

By email: submissions@cccinquiry.qld.gov.au

Commissioners
Commission of Inquiry into the
Crime and Corruption Commission
Brisbane QLD 4000

Dear Sirs

**SUBMISSION BY FORMER MAYOR (& COUNCILLOR) OF THE CITY OF IPSWICH,
MR ANDREW ANTONIOLLI**

FOREWORD

This submission is made in relation to paragraphs (a) to (c) of the published Terms of Reference (TOR) in respect of the above Inquiry.

I was first elected to the Council of the City of Ipswich in March 2000 and served continuously as Councillor until August 2018; a period of 18.5 years (including 1 year as Mayor), when the submitter was summarily dismissed by an Act of Parliament.

This submission is to be read and considered in conjunction with and addition to a joint submission made by the collective of the former Councillors of the City of Ipswich (ICC) who were subjected to the aforementioned Act of Parliament. If any contents of this submission vary or differ in any way to the other submission, they should be considered as only subtle and merely from my personal perspective.

Whilst every attempt has been made to remain relevant to the TOR, I wish to place on record that said TOR are ridiculously narrow and appear to have been made so in an attempt to avoid further embarrassment to both the state government and Crime & Corruption Commission (CCC) and its members.

The purpose of this submission is to raise serious concerns regarding the operational processes, investigative techniques and general conduct of the CCC [REDACTED] and officers both attached and seconded.

It is the submitter's strong held belief that the findings of the *Parliamentary Crime and Corruption Committee's (PCCC) Report No. 108, 'Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council; and related matters'* (PCCCR108), was not an isolated set of circumstances or improper actions by the CCC [REDACTED] and its officers, but evidence of an ongoing course of improper conduct by the CCC practiced over a number of years [REDACTED]. Such practice has led to the embarrassing failures of a large number of high-profile prosecutions and court actions.

Therefore, a significant number of persons, not just limited to those directly affected by charges and/or prosecutions, but also those closely associated with said individuals have suffered considerable personal, mental and reputational hurt and harm. I am one such individual, having suffered financially, mentally and reputationally. Further, my marriage suffered a breakdown and I am currently separated from my wife.

In short, owing to the aforementioned joint submission with other former councillors of ICC, I will be making recommendations that seek for this enquiry to request that a public inquiry be conducted into the actions of the CCC that led to failed high-profile prosecutions and court actions undertaken by said CCC and that said Inquiry include a thorough investigation into the conduct and ongoing culture of misconduct within the said organisation. Further that Operation Windage and its outcome leading to historic legislation be also subject of a thorough investigation now that none of the serving councillors at the time of dissolution were found to be acting criminally.

BACKGROUND

In May 2018 I was arrested and charged with seven (7) charges of fraud. An additional 7 charges were laid against me at a later court hearing date. In December 2020 at the District Court of Ipswich, I was ultimately acquitted of all charges by His Honour Judge Dennis Lynch QC. The submitter refers to the below link for full finding:

<https://www.sclqld.org.au/caselaw/QDC/2020/318>

At no time in my career and working life, be it within the Queensland Police Service or in Local Government, have I ever been the subject of any investigation regarding my integrity and honesty, nor have I ever been regarded as ever acting or operating in a questionable manner. I have always had regard for the responsibility of the positions I held and the accountability that goes with such roles.

From the moment that I was charged, [REDACTED] and the CCC acted in a manner that denied me natural justice and as such I was treated as guilty until I could prove myself innocent.

Ultimately these actions culminated in the dismissal of the ICC councillors, including myself, and dissolution of the Council. This act is now in serious question and is deserved of its own thorough investigation.

SUICIDE BY SENIOR COUNCIL OFFICER, STAFF MORALE AND MENTAL HEALTH OF COUNCIL STAFF BECAUSE OF ONGOING AND PROTRACTED CCC INVESTIGATION WINDAGE

In September 2017, both myself and [REDACTED], attended the CCC offices and met with [REDACTED] and an officer known to me as [REDACTED]

A number of matters were discussed and divulged during the meeting, however a core intention of mine and [REDACTED] was that we intended to fully co-operate with the ongoing investigation and offer all assistance necessary to assist in the prompt completion of said investigation. This included a pledge by myself that the CCC need not go through the process of obtaining warrants, but could merely ask for what they wanted and all assistance would be provided.

Further, I agreed to send an email to all council staff informing them that they should feel confident in approaching, contacting and assisting the CCC with their investigation and encouraging them to report any suspected wrongdoing or knowledge of wrongdoing to the CCC. This email was later leaked and reported in the local media (Queensland Times).

Both myself and [REDACTED] were informed [REDACTED] that they were near the end of their investigation and that they thought that they should be completed by the year's end.

The reason for such openness and co-operation was that I was that not only did I believe that I had nothing to hide nor be concerned about but that I was thoroughly aware of the impact and affect that the ongoing investigation was having on staff. Morale was at a distressing level and the mental health of staff was also being impacted. This can be directly attributed to the constant appearance of CCC investigators at ICC administration offices and the investigation itself.

In my joint submission with other former ICC councillors, the suicide of a senior officer is reported. Whilst I agree in principle with the content of this matter as per the submission, I add, that I believe that this officer's death is also attributed to the actions of a senior officer together with the ongoing CCC investigation. I believe that this can be properly and adequately corroborated.

Further, I am personally aware of two (2) other staff members who through either harassment and intimidation by CCC officers or the ever present CCC investigation itself, required immediate intervention from self-harm.

It also came to my attention that the CCC were broadening their investigation in a manner that appeared to be more of a fishing expedition, rather than a targeted investigation. Also, council staff were reporting to me that they were being intimidated and threatened if they did not assist them with their investigation, and more shockingly side with their narrative.

The actions of and protracted investigation by the CCC forced council to increase it's need for mental health support of our staff. Further, I discussed with [REDACTED] the need to support staff should they be approached and questioned by CCC investigators. It was discussed that where necessary city solicitors and/or other legal support be provided to ensure that staff did not feel or be intimidated and threatened by CCC investigators.

The ultimate investigation did not cease until some ten (10) months after my initial meeting with [REDACTED]. During this time morale at the ICC remained a tinderbox.

IMPROPER DIRECTION AND ADMONISHMENT OF COUNCIL STAFF BY [REDACTED]

At some time in 2018, myself, [REDACTED] and [REDACTED] were summoned by [REDACTED] to a meeting at [REDACTED] office. At the time none of us were aware of the subject of the meeting.

The meeting was relatively brief and whilst a small number of matters were discussed the primary purpose of the meeting was for [REDACTED] to admonish the ICC [REDACTED]

[REDACTED] informed us that an ICC officer, [REDACTED] was acting under [REDACTED] direction and assisting [REDACTED] directly with the investigation.

Whilst there was never an intention of council, under my stewardship, to thwart or otherwise obstruct the CCC investigation or investigators (indeed we were doing the opposite, as aforementioned), there always remained the need for staff to follow policy and

procedure. It would appear that the [REDACTED] offence was to counsel said [REDACTED] for [REDACTED] failure to follow the reporting policy and procedures incumbent upon [REDACTED], whereby the [REDACTED] actions required [REDACTED] to report to [REDACTED]

[REDACTED] made [REDACTED] clear that should any action or further admonishment of the [REDACTED] occur [REDACTED] would take action against the [REDACTED]

Not only was this an abuse of [REDACTED] position, but [REDACTED] was effectively permitting and giving authority, such powers [REDACTED] did not have, to the said [REDACTED] to ignore ICC policy and procedure.

At no time was the [REDACTED] declared as a whistle-blower nor was there any mention that [REDACTED] was to be protected as a whistle-blower. In fact, [REDACTED] gave every impression that the [REDACTED] was working at [REDACTED] sole discretion and direction.

OPERATION WINDAGE, PARLIAMENTARY HEARING INTO BILL, FAILURE TO PROVIDE NATURAL JUSTICE & SUBSEQUENT LEGISLATION TO DISSOLVE ICC

As outlined aforementioned, the investigation was quite protracted and gave every impression to all concerned, of a fishing expedition.

The outcome of the investigation as it related to serving councillors and staff alike was that there were very little reasons for the dissolution of ICC and dismissal of councillors. The CCC relied heavily on a cynical narrative with little to no evidence of their claims.

Further, many of the CCC concerns were either resolved through policy amendments or could have easily been resolved in such a manner. They did not require dissolution of council.

Indeed, at the time of my arrest, my election mandated reform and reform as highlighted in the independent report commissioned by the then [REDACTED] and undertaken by respected local government advisor, [REDACTED], was well underway and initiated significant and transparent change in ICC operations. These reforms and their implementation were complimented by then Local Government Minister Hinchliffe.

I suspect that the reason for my arrest was so [REDACTED] could fulfil [REDACTED] endeavour to sack Ipswich City Council. My arrest effectively sidelined and silenced me to the point that I could not provide a submission to or give evidence at the Parliamentary Hearing into the Bill to dissolve the ICC.

Had natural justice been allowed then my subsequent acquittal would have put paid to any need to dissolve council.

CCC vs ANTONIOLLI

It would be remiss of me to not mention my own matter and the experience I suffered at the hands of what was ultimately an unjustified persecution at the hands of the CCC.

A. Selectively ignoring statements of other Councillors

Numerous ICC councillors and former councillors were either questioned and/or quizzed about their involvement in the same practice of bidding at charity auctions.

In all instances those interviewed/questioned provided similar verbal testimony that they were operating under the same understanding and advice of the then [REDACTED]. This fact was never divulged or disclosed as part of the case against me by the CCC. Therefore they were aware that there was a defence against their allegations which would provide more than sufficient doubt in their prosecution. If not for the bravery of [REDACTED] (a witness [REDACTED]) then said testimony would never have been disclosed during the trial. Approaches to other former councillors to give evidence for the defence was declined owing to fear of prosecution to them personally and as some were impacted by health issues, their concerns were justified and could be completely understood.

B. Record of Interview

I refer to the record of interview conducted at ICC on 17 April 2018. This interview was more like that of an interrogation owing to the accusatory manner in which the investigators conducted their questioning. They continued to take my responses out of context and twist my words when they were completely self-explanatory.

C. Fictious narrative based on deliberate misconstrued context

In the end, all the Judges involved in subsequent appeals founded, and quite rightly, that the prosecutions assertions of dishonesty relied upon a simple response to questions which had been taken out of context. The respected judges rightfully asserted that an ordinary person would never have taken my words/response or actions in the context that the CCC and prosecution argued. Therefore, it can be asserted that the CCC deliberately and maliciously took my words and actions out of context in order to suit their fictious narrative of dishonesty. I refer to the following decisions notices of District Court Judge Lynch and the Court of Appeal:

<https://www.sclqld.org.au/caselaw/QDC/2020/318>

[Commissioner of Police v Antonioli \[2021\] QCA 237 | Supreme Court Library Queensland \(sclqld.org.au\)](#)

D. Deliberate delaying tactics of the CCC and DPP

Approximately a week out from my magistrates court trial on seven (7) counts of fraud, the CCC/DPP preferred a further seven (7) counts upon me. This action was an obvious delaying tactic and forced the extension of this matter beyond what would ordinarily be expected of these matters. This is not the first time the CCC have employed this tactic in order to break an accused.

E. Pointless Appeal of Acquittal

Once again there appears to have been a trivial waste of tax-payers funds in order for the CCC to save faced at the height of embarrassment the CCC was suffering in relation to the failed court action against eight (8) former Logan City councillors. Again the prosecution attempted to misconstrue facts to support their fictious narrative of dishonesty. The Court of Appeal again sided with both the ordinary person and Judge Lynch's findings and at a later date awarded costs against the Commissioner of Police for the action taken.

SUMMARY

In conclusion, and with respect to my situation only, but clearly representative of other local government councillors who have recently been cleared of wrongdoing, it is of great concern to all, inclusive of the community, that an organisation and/or government can circumvent and/or subvert democracy and deny natural justice to an elected representative of the people. Such power is not in the community interest, but rather appears to be of political interest and as such is subject to the potential for abuse of power.

RECOMMENDATIONS

1. That a Commission of Inquiry be commenced into the culture and conduct of the CCC, it's staff, past and present, with respect to the failed prosecutions and court actions of recent high-profile members of the public (i.e. councillors, police, lawyers etc.), and that said inquiry be public.
2. That a thorough investigation be conducted into the conduct of the CCC, it's staff, past and present, with respect to Operation Windage, as well as its subsequent decisive impact upon historic legislation leading to the dissolution of the Ipswich City Council. The outcome of such investigation be included as part of the Commission of Inquiry as per recommendation 1.

Andrew Antonioli JP(Qual)

Former Councillor and Mayor of the Council of the city of Ipswich

28 March 2022