



28 March 2022





Commission of Inquiry into the CCC



Email: submissions@cccinqury.qld.gov.au



Dear Commissioners,

Please accept my submission.

Over the years I have been a regular complainant to the Crime and Corruption Commission (CCC) over alleged incriminating misconduct and adverse performance occurring at 
 My issues have mostly related to planning matters. The local planning issues eventually involve the Queensland Government either directly or indirectly. I make no excuse for my persistence having voluntarily placed all my concerns in writing.

My knowledge indicates planning disputation in Queensland is not deemed by investigative authorities as potential major crime. Such an example is one development in  that had an existing  building on site that was to be demolished to make way for a new  building. The height was restricted by at least two different codes to  Council ignored the codes and introduced their own criteria that involved the developer being provided with relaxations for a \$7 million contribution for civic refurbishment. The civic regeneration was not attached to or adjoining the development site.

Council concocted a process that divided a \$7 million contribution by a cost per square metre for public works (where no such criteria existed) and converting the outcome to gross floor area (GFA). Council then deducted that calculated GFA from the proposed  until it essentially aligned with the plot ration for the  It was then said to comply.

The  difference (potentially involving  had the probability (some years ago) to generate additional revenue beyond \$100 million. This matter was exposed at the highest

level. Subsequently, the developer went into receivership. The Council DA made no provision for the approval being set aside if the \$7 million was not paid to council, which it wasn't.

I recall the Fitzgerald Royal Commission of 1987-1989 placed emphasis on transparency and community awareness. It is my contention that those astute principles have been eroded or circumvented by government and/or government agency design.

It is contended the investigative system and process in Queensland is once again flawed or delinquent. My contentions are in part based upon personal involvement that have been documented and properly supported in three considerable dossiers.

1) The investigative process – as understood

Complaints about malfeasance in the first instance are meant to be referred to the Crime and Corruption Commission (CCC) Liaison Officer located at the local authority or government department. The CCC liaison officer then determines if the matter should be dealt with by the entity or referred to the CCC.

This places the CCC liaison officer in the command position. The CCC liaison officer is an executive within the entity and is tasked with reviewing a complaint involving his colleagues and potentially a preferred objective of the local authority or government. The role involves a potential conflict of interest or worse that the office is willing to act illicitly as its decision is uncontestably, as I have discovered to be the case.

At [REDACTED] the complaint can be directed to the internal 'Integrity and Ethical Standards Unit' (IESU). The IESU officer has the same conflict of interest with peers, colleagues, objectives, and reliance upon qualified personnel. In my case [REDACTED] closed a planning complaint based on the advice of [REDACTED] who was implicated in the complaint, and a person who had already been found to be unreliable having committed a serious planning offence by the [REDACTED]

At [REDACTED] the liaison officer was [REDACTED]

A similar outcome involving a current planning complaint occurred with the Department of Resources, Mines and Energy (DRME) and [REDACTED]. The appointed [REDACTED] officer was [REDACTED] who was required to assess the actions and/or decisions made by the Director-General and separately the Minister. The outcome was considered to be a sham with [REDACTED] protecting the position of [REDACTED]. An expensive barrister's legal opinion was undertaken to support and inform the complaint. It illustrates how the investigative system is allegedly being devalued and prejudiced without reasonable separation from internal decisionmakers. It also reveals the extent to which the community has to go to seek natural justice.

The investigative agencies when responding to planning complaints are inclined to finish correspondence by suggesting the complainant, if dissatisfied, could refer the complaint to the Queensland Ombudsman. This immediately downsizes the nature and extent of the complaint as the Ombudsman has no authority to interrogate a matter if the complaint involves alleged corruption, fraud, or malfeasance. His role is to ensure procedures and protocols are maintained.

For clarity I offer three case considerations involving the CCC.

- i) The CCC working in conjunction with the [REDACTED] [REDACTED] assisted in the selection of a person to conduct an inquiry into a complaint involving potential malfeasance by officers at [REDACTED]. The CCC selected a person who was known to them. He was previously an officer [REDACTED]

The reviewer acknowledged he had no experience in pertinent town planning, heritage, or the building code nor was he familiar with the connected legislation. In other words, the reviewer was unqualified for the role and did not have appropriate professional expertise.

The ill-equipped reviewer completed a report for [REDACTED] who compacted the report into a short rebuff which denied any irregularity. I requested a copy of the report which [REDACTED] CCC and the Information Commissioner refused to provide. This is not considered to be transparent, accountable, and democratic process. The report was alleged to be concocted.

- ii) I lodged two sworn statutory declarations with the CCC including supporting documents implicating two local authority officers with malfeasance. The [REDACTED] CCC [REDACTED] confirmed no action would be taken. I responded by insisting the CCC prosecute me for provision of false and misleading information contained in sworn statutory declarations. [REDACTED] refused to prosecute claiming I had simply made a mistake. No qualification or substantiation for the decision was forthcoming.

A review of the outcome was conducted by [REDACTED] CCC [REDACTED] who supported [REDACTED] This is not considered to be transparent, accountable, or professional process by [REDACTED] the CCC.

- iii) A 250-page dossier titled 'An investigation into the redevelopment swindle at the historic [REDACTED] involving the Crime and Corruption Commission and others' sets out with supporting evidence a prima facie case against the CCC for perverting the course of justice. The primary incriminating documents are the CCC case management files obtained under RTI.

2) The incestuous nature of the CCC

[REDACTED] and [REDACTED] were previously staff of the CCC. [REDACTED]
[REDACTED]

[REDACTED] was previously the [REDACTED]
[REDACTED]

3) Summary

Queensland conducts a unicameral system of government with no Legislative Council or House of Review. This is claimed to place increased responsibility upon the CCC and investigative authorities to ensure democratic process and natural justice are upheld.

Unlike bygone days, alleged corruption in Queensland today is white collar crime that from my previous example in this submission potentially involves tens of millions of dollars. The planning system has failed but most importantly it has failed because, in my opinion, the CCC and investigative agencies do not treat complaints over planning malfeasance with due regard. It is believed the CCC do not have the professional planning expertise to confront such abuse. If they do, it is claimed they have not confronted the obvious.

The planning system today operates accordingly.

- i) Almost everything is interpretive.
- ii) The decision makers interpret legislation to meet the wishes of the development industry. Those decisions are not necessarily supported at law but once approved by Council (or government) become law. An objector can appeal the decision which today costs the resident or community entity upwards of \$200,000.00. Council uses ratepayers' funds to defend their decision. The appeal is either upheld or denied. If council, or the respondent, have been involved in malfeasance it is irrelevant. Council simply moves onto the next application with the same ethos.

4) Conclusion

The CCC liaison officer system permits bias, cronyism, and self-serving outcomes as I have observed. The passage of time has engendered confidence in a manipulated process making it flawed.

It is claimed the CCC requires organizational changes to its structure and operation. It has been found to be self-serving, untrustworthy, and involved in alleged malfeasance as the evidence in my possession depicts.

████████████████████ is considered a failed system. The office has been found to be self-serving and dictatorial. In my case ██████████ issued threats of prosecution against me if I persisted with my claims. I continued with my claims whilst inviting ██████████ to prosecute me.

[REDACTED] refused. Most alarmingly, an RTI search of documents discovered [REDACTED] had framed me. This irrefutable claim relies upon commands issued by [REDACTED] to, and recorded in writing by, the [REDACTED]. The particular correspondence is currently being evaluated, with all supporting documents, in my recent submission to the [REDACTED].

I am not an academic or lawyer meaning I am not able to make meaningful recommendations for changes to the system other than change is vital.

When a system uses bullying and threats to a dedicated ethical community advocate as a means to silence the complainant and his supported complaint the system has become dysfunctional and obsolete.

When an entity such as the CCC initiates a review into proposed corrupted process and refuses to release the supposedly independent report the system has become dysfunctional and obsolete.

Yours truly,

[REDACTED]

Don Magin

DON MAGIN

6 May 2022

Commission of Inquiry into the CCC

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

Dear Commissioner,

Re: Further information to my submission dated 28 March 2022

Page 4 item (ii) of my submission mentions two sworn statutory declarations provided to the Crime and Corruption Commission (CCC) over the redevelopment of the heritage listed [REDACTED]. Upon reflection, my submission does not deliver sufficient detail for the Inquiry to positively assess the alleged concocted modus operandi operated by the CCC. In my case, incriminating issues once referred to the CCC are constantly suppressed and/or exonerated.

Such outcomes are visible in the correspondence from the CCC. In particular, their letter dated 17 November 2014 [attachment 1] expounds the statutory declarations. My explanation follows.

- 1) **Stat Dec 1:** Following my complaint to council, [REDACTED] inspected the [REDACTED] and determined a café was a functioning use which he was required to know was incorrect. Council had never approved a café landuse. All the CCC had to do was ask the [REDACTED] for a copy of the resolution that authorized a café use. Such scrutiny was not undertaken [attach 2]. A café is not mentioned on the certificate.
- 2) **Stat Dec 2:** The [REDACTED] verbally confirmed to the [REDACTED] officer the approved landuse for the [REDACTED] to satisfy the liquor application was a restaurant [attach 3]. All the CCC had to do was ask the [REDACTED] for a copy of the resolution that approved a restaurant use. Such scrutiny was not undertaken [attach 3]. Consequently, the liquor application was illegitimate - nor specified on the certificate.
- 3) **The Certificate of Classification:** The Certificate of Classification [attach 4] was completed by [REDACTED] who was subsequently convicted in the Brisbane Magistrates Court and ultimately deregistered for illicit practises. The certificate of Classification for the [REDACTED] did not detail any landuses as required or state the correct class of building. It is not a legitimate or valid certificate. Separately, the building application was also false.

Both the CCC and [REDACTED] ignored allegations [REDACTED] was a crooked agent. The illegitimate Certificate of Classification means the premise was unlawfully occupied and remains unlawfully occupied. It also signifies the building materials were not assessed against the building codes for fire rating. All the CCC had to do was ask QBCC to authenticate the completed Certificate of Classification as complying with regulations. Such follow up was not obviously undertaken.

The council officers were allegedly subverting the process. They were using their civic authority to validate fallacious circumstances thereby concealing more serious offenses.

Analysis of the CCC letter dated November 17, 2014

The CCC states under 'CCC decision' at the sixth paragraph of their letter, (Quote):

"That the conduct alleged does not involve 'corrupt conduct' as defined in the Act."

The CCC opinion is wrong. The complaints were a response to allegations of corrupted conduct throughout the much broader development, planning and heritage processes. The final certification would, in a trustworthy administration, disclose the delinquent misinformation and hidden malfeasance. It is proposed the CCC failed in its duty of care.

The CCC states in the seventh paragraph of their letter, (Quote):

"In relation to the remaining concerns, we are of the view that there are insufficient grounds to raise a reasonable suspicion of corrupt conduct on the part of any council officer, councillor or any other person in making decisions or providing information about the matters you have raised."

The CCC opinion is wrong. My concerns have been supported and qualified. The CCC has consistently sought to block documentary evidence being lodged. This includes the complaint lodged under s.38 of the *Crime and Misconduct Act* by the divisional councillor [attach 4].

The CCC states in the eighth paragraph of their letter, (Quote):

"The concerns you have raised, if they are factually correct, may be the result of administrative errors or poor judgement on the part of decision-makers within the council. In other words, there may be other explanations for the conduct alleged other than that it is the consequence of corruption."

The CCC did not investigate the content of the statutory declarations, or other incriminating correspondence. The content was trivialized, even though the complaints involved ordinances, then subjectively reduced the complaint to one of poor judgement. The poor judgement includes [REDACTED] response in his letter dated 6 June 2014 [attach 5] which dismissively avoids responding to allegations the Certificate of Classification was fabricated. What is being revealed is disregard for statutory obligations that by omission were generating a major benefit with financial advantage. The conduct is a small part of the larger swindle.

The CCC at paragraph 9 state, (Quote);

"In the absence of [REDACTED] evidence which reasonably raises a suspicion of corrupt conduct, we are unable to take any action with your concerns under our statutory corruption functions."

The CCC opinion was condescending. The part evidence (two statutory declarations and Certificate of Classification) was exposure of a much larger swindle. Consequently, I insisted the CCC [REDACTED] prosecute me for the provision of false and misleading information contained in the sworn statutory declarations. The CCC [REDACTED] refused to prosecute.

The CCC at paragraph 10 state, (Quote):

"If you have exhausted your avenues of complaint about these matters within the council, you may wish to refer your concerns to the Queensland Ombudsman."

The CCC advice is seriously contemptuous. The CCC deemed the matter to be nothing more than a minor protocol that could be reviewed by the Ombudsman's office. The CCC was deliberately changing the tone of the complaint to one of procedure and irrelevance whilst permitting [REDACTED] to refuse accepting thousands of pages of evidence [attach 5].

The CCC at paragraph 11 states, (Quote):

"We also note you have raised issues in relation to the [REDACTED] with the recently commenced [REDACTED] No doubt, if that Inquiry considers there is evidence of corrupt conduct on the part of any council officer, that evidence will be referred to the CCC for consideration and appropriate action."

The CCC advice is unethical. The redevelopment of [REDACTED] involved Federal funding, as the Senate submission acknowledged, which the CCC officers present would have noted.

For the CCC to comment, three days after the still sitting Senate hearing, about issues relating to another government's jurisdiction is incomprehensible. For the CCC to propose they are the investigative agency for matters relating to the Commonwealth Government is not understood.

The CCC letter concludes (last paragraph) with misinformation and stonewalling. The CCC was informed, apart from the two existing statutory declarations, I would be submitting another twenty-six statutory declarations against individuals involved in [REDACTED] swindle, (Quote):

***"We note your material also indicates that you may refer [REDACTED]
[REDACTED] As we consider you have provided sufficient information for the CCC to at least understand the scope of your primary concerns, in the absence of any cogent evidence to support corrupt conduct, [REDACTED] from simply referring additional allegations against individual officers if they relate in any way to the main concerns discussed above."***

Surely, a whistleblower who was prepared to lodge twenty-eight sworn statutory declarations against individuals was entitled to be treated with a small level of esteem. [REDACTED] was a major swindle involving GO's and NGO's. The CCC conduct was not restricted to [REDACTED]

Additional practises of wrongdoing at the CCC.

The following disclosures still pertinent to [REDACTED] further substantiate the endemic misconduct flourishing at the CCC. Three further examples are mentioned for clarity.

- 1) At the commencement of [REDACTED] matter the City of Gold Coast [REDACTED] blocked my verbal request, made on the 4 March 2013, for an appointment to deliver thousands of pages of incriminating council internal documents obtained under RTI to [REDACTED]
[REDACTED] Now included is the response from the CCC liaison officer dated 5 March 2013 [attach 5].
 - a. My responding letter dated 6 March 2013 [attach 6] sent to the CCC liaison officer with a copy to the divisional councillor and the CCC.

- b. The response from the CCC dated 20 March 2013 [attach 7] confirming the council had dealt with the matter in a manner that satisfies its statutory obligations under the *CM Act* and acknowledgement the CCC is unable to take any further action in relation to this matter.
- 2) A letter from [REDACTED] [REDACTED] dated 19 February 2013 [attach 8] sent to the CCC confirming a prima facie case at law against the City of Gold Coast (GoGC) and the Department of Environment and Heritage Protection (DEHP).
 - a. The response from the CCC to [REDACTED] dated 20 March 2013 [attach 9].
 - b. The response from [REDACTED] to me dated 25 March 2013. The councillor mentions, 'It seems clear the CCC intends to take no action whatsoever on my letter.' [attach 10].
- 3) The response from the CCC to me dated 18 February 2013 [attach 11] advising the CCC dispatched documents to the CoGC. The RTI searches indicate the CoGC did not receive the documents as I proposed from the CCC.
 - a. My letter dated 6 March 2013 [attach 6] sent to [REDACTED] [REDACTED] who is also [REDACTED] [REDACTED] confirms the officer did, supposedly, have the documents in his possession [REDACTED] of 5 March 2013 [attach 5]. The case [REDACTED] was closed by the CCC on the basis of the [REDACTED] decision.

Summary

The above explanation hopefully establishes how the oversight and analytic management by the CCC was not only inadequate but untrustworthy. The documentary history brings to the surface the concealment, distortion, and misrepresentation by the CCC into the administration of disclosure and justice with respect to my complaint.

The proposed swindle over the redevelopment of [REDACTED] altered from an interrogation of the manipulated planning and heritage procedures and approval processes into the failure of the investigative authorities to probe what should have ostensibly been a logical conclusion.

The documentary evidence shows the CCC did not consider it prudent or advantageous to conduct a personal interview with me or seek better comprehension of the issues. Particularly so, as they claim I struggled to articulate the circumstances [attach 12]. One only phone call transpired with the CCC that produced their conclusion of inadequate articulation.

It is my opinion after fifteen years of dedicated sleuth work over many projects supported by dozens of RTI searches that [REDACTED] is a bastion of corrupted practises. It is alleged the extent of the malfeasance at the [REDACTED] could be linked to their familiarity with the flawed CCC devolution system and the government entities investigating themselves. Over time, I maintain the [REDACTED] well knew how to successfully evade a deficient misconduct and crime system.

The integrity of the [REDACTED] administration was undermined many, many years ago. From the planning perspective it is alleged [REDACTED] was delinquent. [REDACTED] left the service of [REDACTED] over a decade ago and [REDACTED] A small level of RTI evidence revealed [REDACTED] maintaining influence over [REDACTED] This information emerged when [REDACTED] was acting for a developer over a particular development application at [REDACTED] that saw expensive land change title by manipulation of the planning process. A simply amazing outcome that is meticulously documented.

If requested, I am happy to address the broader culture. For now, the purpose is to demonstrate to the Commission of Inquiry how a conscientious whistleblower based on objective evidence sought to present incriminating evidence to the CCC about a local government but was callously blocked. The [REDACTED] displayed impudence towards justice and ethical behaviour which is surely behaviour the CCC should have recognized and considered.

The performance of [REDACTED] and [REDACTED] has been reported to [REDACTED] [REDACTED] The claims are alarming. Of relevance to the Commission of Inquiry into the CCC is the knowledge that both entities came to their positions [REDACTED] from employment at the CCC. Such outcomes raise concerns that the investigative agencies are incestuous and not independent.

A very similar outcome to [REDACTED] is currently unwrapping at a development known as the [REDACTED] or [REDACTED] Not only was [REDACTED] allegedly implicated in incriminating conduct over [REDACTED] the [REDACTED] at the [REDACTED] is similarly implicated over [REDACTED]

On this occasion the [REDACTED] officer is the [REDACTED] The [REDACTED] officer is claimed to have been a parochial servant acting in the interest of [REDACTED]

History shows the government entities are taking decisions based on rudimentary interpretation of legislative edicts and regulations. All too often the decisions are fictitiously based to ensure the preferred option prevails. The CCC accepts such an outcome as the authority of decisionmakers by acknowledging the objectors right to litigation.

Nothing highlights this improper conduct, that breaches public confidence in the democratic system, then the failure of the government entities to act as model decisionmakers. The most incriminating example of this conduct is the opening decision for the [REDACTED] over Owners Consent issued by DRME. If correct, it would most likely involve outright corruption as the manoeuvre adds millions of dollars to the value of a lease obtained through a public tender.

Conclusion

This presentation and the preceding submission have been hard work for a whistleblower whose primary skill is acting as a sleuth and amalgamator of evidence. Although a level of experience is contended from [REDACTED] much of the conclusion was supported by [REDACTED] ■

I trust the presentations are of assistance. As previously mentioned, if required I am available for a discussion.

Yours truly,

[REDACTED]

Don Magin