Honourable Tony Fitzgerald AC QC & Honorable Alan Wilson QC Commission of Inquiry relating to the Crime and Corruption Commission Department of Justice and Attorney General GPO Box 149
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28 March 2022

Dear Chairperson and Commissioner,

Re: Submission to Commission of Inquiry into the Crime and Corruption Commission (No. 1 of 2022)

I refer to the Order in Council to establish the Commission of Inquiry dated **31 January 2022**. All reference links in these Submissions are clickable.

BACKGROUND TO SUBMISSIONS

The McCrystal Matter featured yet again in the Courier Mail as recently as 26 March 20221.

From 24 July 2014 to now, the Queensland Building and Construction Commission (the QBCC) and its Officers have engaged in systematic commercial-scale fraud and corruption to permit and conceal the activities of a known undischarged bankrupt and QBCC permanently-excluded individual, who with the assistance of Fire Engineer and Private Building Certifier (whose conduct fell below that of competent/licenced professionals), engaged in Unlicensed Contracting o construct two (2) adjacent three (3) storey Class 2 residential buildings at Performance Requirements of the Building Code of Australia (the BCA). This has resulted in the erection of two adjacent residential buildings which represent an unmitigated and unacceptable risk of the spread of fire to my property: endangering the lives of myself, my wife and our two young children.
The QBCC knows this, and at every possible turn the QBCC has corruptly prevented my family and I from obtaining relief from this situation. The QBCC by its external counsel resorted to outright misleading and lying to the Queensland Civil and Administrative Tribunal. After disposing of me at any cost and contrary to the Model Litigant Principles, Having faced in the adversarial setting of the Tribunal, unrepresented, I seriously doubt the position in a Government Legal Services Unit because of wealth of experience and talent. As you will learn, public appointments at the QBCC follow a meritless process that is not provided for by any legislation.
Upon complaining to the Queensland Ombudsman, substantiated complaints for some 19 months. Ultimately, within the limits of agreed with my concerns. However, despite an obligation to notify the Crime and Corruption Commission of any evidence of suspected or confirmed corrupt conduct (I had in fact supplied it, the CCC was also aware of <i>The McCrystal Matter</i> through a Member of Parliament, and the CCC had reminded of his responsibilities), the only outcome proposed by was a meeting between myself and QBCC to discuss my concerns. Own investigation case notes betray that all did in fact detect maladministration, but refused to take any action. A discussion does not undo tier 1 defective building work, the constant threat of death by immolation, nor systemic dysfunction and corruption.
bizarre decision benefited unlawful building industry participants, the QBCC and its Officers, and himself. A mere 3 days later, was directly appointed by to a powerful senior executive position at the that didn't even exist that

¹ 2022-03-26 - Courier Mail Article (Building Watchdog Fails To Act)

appeared unannounced as a representative of the QBCC and did most of the talking, disclosed and utilised information and knowledge could not otherwise have known about for the benefit of the unlawful building industry participants and the QBCC and its Officers ³ , and plainly dismissed both myself and my complaints.
Through public-facing documents, I have since learned that immediately after this meeting, secretly embarked reopening and reinvestigating the substance of my complaints internally at the QBCC, to the point of ordering an independent expert report which confirmed the subject buildings are in fact death traps and my family and I are at risk, and ordering quotes to rectify the tier 1 defective building work ⁴ . The constant threat of immolation continues to be ignored. The point of the QBCC (he already demonstrably dealt with other Queensland Ombudsman complaint matters on behalf of the QBCC (he already demonstrably dealt with and dismissed mine on behalf of both agencies), and established an oppressive and dismissive "Integrity" Unit at the QBCC which only exists to collect intelligence from legitimate complainants, protect the QBCC and its Officers, and cruelly punish and harm legitimate complainants.
Of course, my right to access public-facing Government records and evidence of dysfunction and corruption is severely limited by this Government's commitment to comply with the <i>Right to Information Act 2009</i> , and to make and keep accurate records of its activities, where it has a legislative requirement to do so, but doesn't. The detected breaches of the <i>Public Records Act 2002</i> by the QBCC, before was pushed out by this Government ⁵ .
When learned of similarly acted corruptly when hid relevant information and evidence from the CCC, and deliberately delayed referring to the CCC until such time as could take up a permanent appointment with and was no longer and his conduct was no longer a concern or liability of the Queensland Ombudsman.
More recently, I have attempted to engage the Minister for Energy and Public Works, and direct the QBCC to take immediate action on known tier 1 defective building work as he did following his meeting with concerning the apartment building ⁶ . I have no confidence is even aware of the matter (although it was brought to his attention in Parliament by the Shadow Minister for Housing and Public Works and Member for Burleigh because the QBCC's Ministerial Department keeps interfering with my ability to liaise with by intercepting my correspondence and diverting it back to the QBCC. After the QBCC's captured my correspondence again and diverted it back to the QBCC, where it remains in integrity purgatory without any meaningful action or actual response. In any event, in my experience, is simply allows the QBCC to write his letters for him, to be sent to me under his name, is simply allows the QBCC to write his letters for him, to be sent to me under his name, is missing me yet again.
There is a lot of material concerning <i>The McCrystal Matter</i> in circulation: it has been mentioned in Parliament and it has been reported by the Courier Mail and Channel 9 News. <i>The McCrystal Matter</i> remains unresolved: only by the sheer determination, and dysfunction and corruption of this Government, including: the QBCC and its Officers; the Office of the QFES Commissioner; the Office of the Queensland Ombudsman; the Speaker of the Legislative Assembly; the Office of the Information Commissioner; the Office of the Queensland State Archivist (only after departed); the Crime and Corruption Commission; the Department Housing and Public Works/Energy and Public Works; the Minister for Energy and Public Works
The McCrystal Matter has most recently been reported to the QBCC Governance Review Team, and the Premier (again). has been personally aware of substantiated complaints of dysfunction and corruption at the QBCC and The McCrystal Matter, which all stand unchallenged and unrefuted, since at least 18 September 2020 ⁷ . As you should know, despite this knowledge, on 27 October 2021 Ms Palaszczuk (and therefore all Labor MP's) voted en bloc to defeat Mr Mander's motion for an independent Commission of Inquiry into the QBCC As I'm sure you can recognise, the dysfunctional and corrupted governance of the QBCC extends beyond the supposed apex of the Department of Energy and Public Works
² ss87, 92, 92A, & 204, Criminal Code Act 1899; and s15, Crime and Corruption Act 2001 ³ s92, Ombudsman Act 2001 ⁴ 2018-07-18 -

^{7 2020-09-18 -} Letter to (Amended)
8 https://documents.parliament.qld.gov.au/events/han/2021/2021_10_27_WEEKLY.pdf

and drawing particular unresolved matters to attention, I kindly relater than 18 February 2022. Herein exemplifies one of the primary particle. Evidence and knowledge of dysfunction and corruption is pl							
	patently ignored a properly-made and						
acknowledged Public Interest Disclosure ¹⁰ , despite a legislative obligation to do certain things once one is received ¹¹ .							
However I do note instead, on 18 February 2022, Ms Palaszczuk die culture and accountability in the state's public sector" 12.	d publicly announce "a wide-ranging review into						
Yes, this Government, and more specifically	does patently ignore properly-made and						
acknowledged Public Interest Disclosures.	ated rhetoric about the CCC ("Queensland's						
standing Royal Commission"), Whistleblowers and protections, and Public Interest Disclosures, is painfully							
hypocritical, yet entirely unsurprising: in the midst of the integrity infe	rno and while considered my						
most recent correspondence, I had to kindly ask Labor MP's to stop	from misleading the Public ¹³ .						

Of course, the CCC is aware of *The McCrystal Matter*, and in light of the abject failure of the CCC to properly deal with both *The McCrystal Matter* and rampant dysfunction and corruption in this Government, I now turn to your Inquiry into the Crime and Corruption Commission.

Table 1 provides a summary of my exposure to the failures of the CCC¹⁴.

SUBMISSIONS TO THE INQUIRY

This Government is rightly beset by an integrity crisis. The CCC must take the lion's share of responsibility for this situation, for failing to properly investigate and prosecute official corruption the CCC knows exists. In consideration of the adequacy and appropriateness of legislation, procedures, practices and processes relating to the charging and prosecution of criminal offences for serious crime and corruption in the context of CCC investigations, I provide the following information.

Definition of Corrupt Conduct

In my experience, the definition of s15 of the *Crime and Corruption Act 2001* (The Act) and any of its potential limitations is in fact not relevant to my submissions. On every single occasion myself or someone else who correctly recognises evidence of corruption in *The McCrystal Matter* makes a referral to the CCC, the CCC has recognised and decided evidence exists of breach(es) of s15 of The Act. This either reflects the quality of the evidence I am obtaining and submitting to the CCC, or the proper and capable assessment of the definition of corrupt conduct being applied by the CCC, or both.

Investigating Corrupt Conduct

Contrary to the quality of any evidence and the proper and capable assessment of the definition of corrupt conduct, what the CCC has proceeded to do on every single occasion, and perhaps represents the genesis of its persistent failures in *The McCrystal Matter*, is inexplicably decide to hand the complaint matters and materials *back* to the very people, entities and agencies who caused the corruption, benefitted from the corruption, or are actively ignoring or covering up the corruption: to (not) deal with.

Worse, on every single occasion the CC has done this and I have inevitably referred *The McCrystal Matter* or an element of it *back* to the CCC again, with evidence it has patently been ignored or continues to be covered up - evidence itself of further breach(es) of s15 of The Act - the CCC *still* refuses to involve itself and either dismisses me or gives the material *back* to the offenders yet again.

^{9 2022-02-07 -} Letter to

¹⁰ 2021-01-22 - Letter to CCC <u>2022-02-07 -</u> [REDAX]

¹¹ Public Interest Disclosure Act 2010 (Qld); Public Interest Disclosure Standard No. 1/2019 (Queensland Ombudsman) – Public Interest Disclosure Management Program; Public Interest Disclosure Standard No. 2/2019 (Queensland Ombudsman) – Assessing, Investigating and Dealing with Public Interest Disclosures; Public Interest Disclosure Standard No. 3/2019 (Queensland Ombudsman) – Public Interest Disclosure Data Recording and Reporting

¹² https://statements.gld.gov.au/statements/94500

^{13 2022-02-15 -} Email to Labor MP; 2022-02-15 - Letter to Labor MP

¹⁴ Table 1 - The McCrystal Matter and the CCC

Disclosure (PID), despite specific obligations to do certain things. The CCC falsely cited that the PID, or elements of it, had already been dealt with: but when pressed to specifically show where or when this had occurred, both the CCC did not provide a response. This conduct in isolation must be considered corrupt conduct by the very people and agency that is held out to be "Queensland's standing Royal Commission". having had this conduct brought to attention and having the same materials submitted to under the same legislation, must be failing in oversight of this Government and must be considered to be engaged in corrupt conduct as well. It is simply not feasible for me to have a PID ignored by the CCC and the property deal with it.					
Given the well-publicised and spectacular failures of the CCC in recent years, culminating in the events seen with the Logan City Council, it is clear the CCC has neglected to investigate corrupt conduct, which the CCC itself has recognised as corrupt conduct, at the expense of chasing lengthy and costly investigations which ultimately led nowhere; investigations which may in fact prove significantly costly pursuant to ongoing efforts by aggrieved parties to seek remedy.					
Ultimately, the CCC have ignored the referral of evidence of known corrupt conduct by It cannot be said this Government must be knowingly acting corruptly with immunity, despite recommending the referral of evidence of corruption to the CCC, when this Government knows such complaints will never be investigated but instead will enter a never-ending vortex of inaction and cover-up					
Decentralisation of Functions of the CCC - The Devolution Principle					
Rather than investigate corrupt conduct itself, which the CCC itself has recognised as corrupt conduct, the decentralisation of functions of the CCC to in-house "Integrity" units within Government agencies is a gross misuse of public resources and should never have been allowed, and should not be allowed to continue.					
In its submission to your Inquiry, the Centre for Privacy, Transparency and Accountability states: "One of the flawed components of the Queensland integrity system is the use of integrity units The problem is that integrity units often end up reporting to senior executives who have an interest in avoiding public problems rather than dealing with matters objectively The result is that many integrity units are nothing more than shills for senior management" 15.					
In my experience, the "Integrity" Unit at the QBCC deceptive means for the QBCC to collect intelligence of its own corruption, use that information to its advantage to cover-up that corruption, and deal with properly-escalated complaints about the QBCC received from the Queensland Ombudsman and CCC to further cover-up that corruption, under the guise of a proper process with the "Integrity" label slapped on.					
was directly appointed to the and the functions and processes of the and the functions and processes of the now maintains back-channel communications with the Queensland Ombudsman, including where investigating Ombudsman Officers even receive their own QBCC email accounts 16: probably for the purpose of receiving information relevant to their investigations but to avoid scrutiny of requests submitted to the Ombudsman under the Right to Information Act 2009 and Information Privacy Act 2009 because the information is sought is not actually held by the Queensland Ombudsman.					
Interference and Obstruction of Investigating Corrupt Conduct by CCC Officers					
In my experience, after referred <i>The McCrystal Matter</i> to the CCC ¹⁷ :					
 The CCC asked me to provide more information in relation to the referral by ability to report corruption by limiting my response to only two pages; 					
 An unnamed Integrity Officer(s) prematurely closed referral, twice, conflating previous referrals and outcomes, leading to the false representation the CCC had already dealt with the balance of that referral; 					

<sup>https://www.cpta.com.au/post/public-submission
2021-11-29 - Letter from OIC (IP Complaints)
From: 2022-02-07 - Letter to</sup>

•	Director of Assessments lied about his previous involvement with matters concerning referral, and prematurely closed it for a third time;
•	refused to investigate the spectre of and lied when another CCC Officer would review and report on the conduct of the spectre of ;
•	recused himself from referral citing his previous involvement with matters concerning that referral, but then continued to involve himself and interfere with the CCC's complaint assessment and handling processes;
•	The CCC made it prohibitively difficult for me to understand who had carriage of who I could contact about it, in accordance with protections under the PID Act, with unnamed persons and apparent apparitions seemingly controlling the destiny of and input;
•	prematurely closed referral for a fourth time;
•	thanked me for providing still more new evidence, a copy of a decision by the Office of Information Commissioner concluding no legislatively-required documents exist demonstrating appointment to the was subject to any merit-based assessment or was otherwise lawful (confirming nepotism), but outrageously stated: "If anything, it provided me with even more confidence that it is not appropriate for the CCC to take any further action in relation to your complaints";
•	advised that referral of QBCC corruption to the CCC was in fact categorised as "corrupt conduct", but then outrageously stated: "The CCC referred those allegations to the QBCC to deal with on a no-further-advice basis. Given the matter was devolved to the QBCC in this manner, it was available to the QBCC not to take further action" - wherefore unsurprisingly the QBCC Integrity Unit, proceeded to take no further action;
•	CCC Officers repeatedly demonstrated they didn't even read the complaint materials, because they kept urging me to raise referral of my concerns with a particular QBCC Officer, even despite the fact I kept telling them that particular Officer no longer worked at the QBCC;
•	CCC Officers claimed that referral, and matters concerning it, had already been investigated or dealt with, when they had not, and refused to inform me exactly where and when any investigation had actually been performed and some outcome had actually been achieved;
•	denied the Public Interest Disclosure in the possession of the CCC was ever disclosed to any entity outside of the CCC without my knowledge or consent, yet the QBCC holds in its possession a cache of "Public Interest Disclosure Documents" under the case file number of an investigation triggered by referral, and conclusory statement in response to my serious confidentiality concerns about this issue does not establish that determined (or even sought to determine) what documents are in the possession of the QBCC and how they came to be there;
•	demonstrated he didn't even read the complaint materials, because he completely ignored new evidence that QBCC Officer (an offender previously identified in the complaint concerning committed fraud when made the representation that someone who he knew was factually and legally not the owner of a property, was the owner of a property who engaged unlicensed contractors to carry out building work there - just to avoid making a decision knew to be true and correct;
•	advised that all complaint matters (which the CCC had categorised as evidence of corruption) had already been concluded (by referral to other agencies), in circumstances where the complaint information and evidence about
•	was clearly oblivious to upon and referenced the actions of concerning matters the CCC had categorised as evidence of corruption for a sixth and final time - establishing

¹⁸ Brisbane Times Article: "Officer 'made death threats' in severed ears case" (6 June 2008)

Table 1 - The McCrystal Matter and the CCC

COMPLAINT	ORIGIN	CCC ASSESSMENT	CCC DISPOSITION	STATUS
CO-16-1560 ● Widespread corruption by building industry participants and the QBCC	22-08-2016 Complaint to Shadow Attorney-General 22-08-2016 Referred to CCC	s15 CORRUPTION • Alleged conduct would, if proved, amount to corrupt conduct	TO OMBUDSMAN • 24-10-2016 CCC advised matter referred to Ombudsman to deal with under devolution principle	UNRESOLVED • 12-03-2018 Decision by demonstrably wrong, subject to conflict of interest and corruption • 16-09-2019 Deputy Ombudsman refused reinvestigation • See also CO-18-1329
CO-18-0263 • QBCC & OIC covering up widespread corruption by building industry participants and the QBCC	SHAUN MCCRYSTAL ● 24-11-2017 Complaint to , CCC	s15 CORRUPTION ■ Alleged conduct would, if proved, amount to corrupt conduct	TO OMBUDSMAN ■ 14-03-2018 CCC advised matter referred to Ombudsman to deal with under devolution principle	unresolved 12-03-2018 Decision by demonstrably wrong, subject to conflict of interest and corruption 16-09-2019 Deputy Ombudsman refused reinvestigation See also CO-18-1329
CO-19-1329 QBCC & Ombudsman covering up QBCC corruption; conduct of	08-03-2019 Complaint to Queensland Ombudsman 30-05-2019 Referred to CCC	s15 CORRUPTION Alleged conduct would, if proved, amount to corrupt conduct	TO QBCC 16-08-2019 CCC advised matter referred to QBCC to deal with under devolution principle	UNRESOLVED Response refused by QBCC for 18 months despite requests on 23-03-2020, 18-11-2020 and 05-01-2021 Assistance refused by CCC on 04-02-2021 Investigation refused by CCC despite complaint by the Premier on 30-10-2020 and Public Interest Disclosure on 22-01-2021
CO-19-1416 ● QBCC employees fail to keep or unlawfully dispose of records	05-03-2019 Complaint to Queensland State Archivist 26-08-2019 Advised referred to CCC	s15 CORRUPTION • Alleged conduct would, if proved, amount to corrupt conduct	GIVEN TO QBCC • 15-07-2019 CCC advised matter referred to QBCC to deal with under devolution principle	UNRESOLVED ■ Response refused by QBCC for 18 months despite request on 23-03-2020 ■ Assistance refused by CCC on 04-02-2021 ■ Investigation refused by CCC despite complaint by the Premier on 30-10-2020 and Public Interest Disclosure on 22-01-2021
CO-20-0002/124 Widespread corruption by building industry participants and the QBCC; Multiple agencies/persons covering up corruption	18-09-2020 Complaint to remier 30-10-2020 Advised referred to CCC by Department of Premier & Cabinet 15-12-2020 CCC request for further information 22-01-2021 Public Interest Disclosure to CCC	NONE AVAILABLE	NO FURTHER ACTION	UNRESOLVED See "Interference and Obstruction of Investigating Corrupt Conduct by CCC Officers" in Submissions to the Inquiry



