

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

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

Dear Sirs

SUBMISSION BY CURRENT AND FORMER IPSWICH COUNCILLORS

FOREWORD

This submission is made in relation to paragraphs (a) to (c) of the published Terms of Reference in respect of the above Inquiry. It is made on behalf of the following Councillors and former Councillors of the Ipswich City Council (ICC) who have served collectively for over 164 years in local government and who are making this joint submission:

| | | |
|-------------------|------------|--------------------------------|
| Cr Paul Tully | 1979-2022* | 41 years (former Deputy Mayor) |
| David Pahlke | 1991-2018 | 27 years |
| Charlie Pisasale | 1995-2018 | 23 years |
| Andrew Antoniolli | 2000-2018 | 18 years (former Mayor) |
| David Morrison | 2000-2018 | 18 years |
| Cr Sheila Ireland | 2004-2022* | 16 years |
| Cheryl Bromage | 2004-2018 | 14 years |
| Kerry Silver | 2016-2018 | 2 years |
| Kylie Stoneman | 2016-2018 | 2 years |
| Wayne Wendt | 2016-2018 | 2 years (former Deputy Mayor) |
| David Martin | 2017-2018 | 10 months. |

(excluding August 2018 - March 2020)*

These Councillors were summarily dismissed by Act of Parliament in August 2018 following a recommendation [REDACTED]

The purpose of this submission is to raise serious issues regarding the operational processes and investigative techniques of the Crime and Corruption Commission (CCC) and its improper intrusion into matters beyond the jurisdictional and operational responsibilities of the CCC.

It is our submission that in the lead-up to our dismissal there was improper and unprofessional conduct by the CCC and that the grounds for dismissal of all Ipswich Councillors were completely unwarranted and totally disproportionate.

This has led to harsh personal outcomes involving reputational, mental health and financial issues, as well as family breakdown.

A list of 11 Recommendations to this Inquiry is provided at the end of this submission.

Please note that the background and historical information has been provided to ensure that the context of our 11 Recommendations is clear. It is not intended to canvass past legal matters.

BACKGROUND

Subsequent to the arrest of [REDACTED] by the CCC on [REDACTED] [REDACTED] on several charges, it had become well-known in local government and political circles that senior members of the State Government had made it clear that if one more Ipswich Councillor were to be charged, all Ipswich Councillors would be dismissed from office.

This was nothing more than “guilt by association” and reminiscent of the McCarthy era in America in the 1950s. On 2 May 2018, then Ipswich Mayor Andrew Antonioli was arrested and charged by the CCC on 7 counts of fraud. He was ultimately acquitted on 11 December 2020 of all charges, with District Court Judge Dennis Lynch QC finding that he acted at all times in accordance with Council policy, he did not act dishonestly and did not benefit personally from any Council donations to third parties: Paras 205 & 206 - <https://www.sclqld.org.au/caselaw/QDC/2020/318>

MINISTERIAL INTERVENTION

On 3 May 2018, the day after Antonioli’s arrest, [REDACTED] [REDACTED] made a statement [REDACTED] that [REDACTED] would be asking Ipswich City Council to show cause why they should not be dismissed. Because of the comprehensive legal response by Ipswich City Council to the Show Cause notice which established that there were no lawful grounds for dismissal of the entire Council, [REDACTED] was forced to withdraw the Show Cause notice. By this stage, Mayor Antonioli had stepped down from his mayoral role and Deputy Mayor Wayne Wendt had become Acting Mayor.

A second Show Cause notice [REDACTED] was then issued [REDACTED], the legality of which was challenged in the Supreme Court by the Ipswich City Council.

On 27 June 2018, [REDACTED] curiously and colourfully characterised the ICC in asking the independent judiciary to rule on the legality of the second Notice as “hiding behind new legal proceedings” and using “delaying tactics in seeking to circumvent the legal process already underway”: *Queensland Times*, 27 June 2018.

On 9 July 2018, [REDACTED] (a) withdrew the second notice; and (b) announced that a Bill to dismiss the Council would be introduced into the Parliament. [REDACTED] [REDACTED] the Local Government (Dissolution of Ipswich City Council) Bill 2018 in Parliament in August 2018, [REDACTED]
[REDACTED]

For inexplicable but clearly discriminatory reasons, this opportunity to “show cause” was never finally given to the 10 Ipswich Councillors who have never been charged with any criminal wrongdoing. In 2018, the sole serving Councillor to be charged, Mayor Antonioli, was not afforded any natural justice and wrongly presumed to be guilty of the charges preferred against him.

ACT OF PARLIAMENT

The extraordinary Act of Parliament, unique in Australian legal history, was passed by the Queensland Parliament in August 2018, unilaterally dismissing the Ipswich City Council and removing any right of review or appeal by the Queensland Supreme Court.

By this stage, [REDACTED] from the Council on [REDACTED] and even with the later sidelining of the new Mayor Antonioli, the Ipswich City Council still comprised 10 serving Councillors - none of whom was ever charged by the CCC. At all times, the Ipswich Council had a quorum (unlike the later situation which emerged in Logan City) and the Ipswich Council could easily have continued to function in a proper manner.

It is our submission that the CCC engaged in a clear case of duplicity, possibly in conjunction with [REDACTED], and with the State Government, wrongly conveying the impression that the Ipswich Council was unworkable, even though 10 of the 11 Councillors were continuing in their roles, with the Council functioning normally. This approach by the CCC to seek the immediate dismissal of the Council was ultimately proven to be unjustified when the sole basis for the dismissal - upon a second Councillor being charged - disappeared when all of the charges faced by that Councillor were ultimately dismissed by the District Court in Ipswich. The CCC clearly thought that dismissal of the democratically-elected Ipswich City Council would highlight the alleged or perceived gravity of the matters they were pursuing and assist in the furtherance of the court cases involving the two former mayors.

The bottom line is that [REDACTED] is the only Ipswich Alderman or Councillor to be convicted of any criminal offence since the Council was formed 162 years ago in 1860, yet 10 councillors subsequently paid the sacrifice of their careers when another Councillor was unsuccessfully charged a year later by the CCC - well after [REDACTED] had resigned the mayoralty. Why 10 innocent councillors - or 11 including the ultimately exonerated former Mayor Antonioli - were dismissed at the behest of the CCC will remain a stain on that organisation for many years to come.

The culture of the CCC had reached rock bottom in 2018 in its handling of the Ipswich matters and possibly even more so, when its impropriety in the Logan matters in 2019 was subsequently revealed.

SUICIDE OF SENIOR COUNCIL OFFICER BECAUSE OF CCC INVESTIGATIONS

A tragedy of immense proportions hit the Ipswich City Council [REDACTED] when the long-serving [REDACTED] committed suicide

[REDACTED] had been living in fear that because of the unrelenting investigations into Ipswich Council officers and Councillors, [REDACTED] could be the “next cab off the rank”. Even though it was never suggested that [REDACTED] had ever engaged in any wrongdoing, [REDACTED] had a growing fear that somehow the CCC might accuse [REDACTED] of failing in [REDACTED] professional duties in relation to others.

[REDACTED] raised concerns that standard operational practices within the organisation were being interpreted by the CCC as wrongdoing and [REDACTED] thought that [REDACTED] could be next in line to be charged, as the height of paranoia amongst the staff within the council was extreme. This was owing to the constant harassment by CCC officers who were targeting junior and senior staff members as well as councillors to enable them to develop a case or narrative to bring the Council down.

This was because the CCC had embarked on a relentless examination of council records, including [REDACTED], for which [REDACTED] took personal responsibility. So extreme was the action by the CCC that [REDACTED] felt compelled to take [REDACTED] own life [REDACTED], leaving a family destroyed and colleagues shattered.

Cr Tully has direct evidence that [REDACTED] was totally dismissive of the matter. Cr Tully is also willing to confidentially provide the name of a former senior Ipswich Council officer who can personally attest to the fears harboured by the [REDACTED].

ABUSE OF PROCESS BY SECONDED POLICE OFFICERS TO THE CCC

On 29 May 2018, Antonioli was arrested late in the day by serving police officers seconded to the CCC, for an alleged breach of bail, and transported from his home at Brassall to the Ipswich Watchhouse. He was about to have dinner with his family when his arrest took place in front of his extremely distraught wife and young children.

His arrest occurred when no Magistrates were available at such late hour to grant bail, which would have been known to the experienced serving police officers seconded to the CCC.

Antonioli was forced to endure a totally-unnecessary night in the watchhouse. He was not a flight risk and unlikely to re-offend, which was confirmed by his prompt release on bail the following morning in the Ipswich Magistrates Court. According to court documents, the alleged technical breach of bail occurred on 25 May 2018, some 4 days prior to his arrest, yet the CCC police officers saw fit to arrest him very late in the day, with the almost certain ignominy attaching to their actions.

The CCC police officers exercised their powers in a totally high-handed, improper and completely unnecessary manner, knowing the extreme consequences and the considerable adverse publicity after Mayor Antonioli had spent the night in the watchhouse. As a former QPS officer, this had a serious impact on him but not to the

extent of the disingenuous argument that his mental state may have caused him to be at risk of self-harm, thus endeavouring to justify a refusal of bail. Given the very minor nature of the alleged breach, which must have been obvious to the arresting CCC officers, this was clearly an abuse of process as the need to arrest him that night around the family dinner table was not proportionate to his alleged wrongdoing.

Those powers of arrest were available to the CCC only as a direct result of its secondment of serving police officers. This incident alone serves to show that the secondment of serving police officers to the CCC is fraught with dangers to the community in a free and democratic society where the immediate arrest of an alleged offender is not always the most-appropriate method of proceeding.

In Antonioli's successful District Court Appeal, Judge Dennis Lynch QC noted:

"[208] The appellant submitted that in the event the appeals against conviction were upheld in relation to all charges, the appropriate order is that no conviction should be recorded for the breach of bail charge. This submission was made on the basis the offence involved the appellant speaking to Council employees about the case, in breach of a condition prohibiting him from doing so. The offence occurred in circumstances where the appellant was emotionally upset and psychologically fragile. The appellant spent a night in custody as a result of being charged. He has no prior convictions, and as found by the Magistrate, was a person of otherwise good character.

[209] This submission should be accepted."

If [REDACTED] was unaware of such "practices" [REDACTED]
[REDACTED] alleged ignorance of such "practices", and in particular this specific instance, needs to be fully investigated.

If [REDACTED] actually supported such practices, it is even worse. ICAC in New South Wales - that state's equivalent of the CCC - does not permit the secondment of serving police officers to ICAC.

In Queensland, the secondment of serving police officers to the CCC with powers of arrest - and operating effectively as judge, jury and executioner - should cease.

USE OF POLICE OFFICERS AT THE CCC

The absurdity of the CCC claiming that police officers seconded to the CCC are effectively at arm's length from the rest of the organisation in relation to such police officers' decisions to prosecute alleged offenders belies the actual operational integrity of the CCC.

In practice, it is not a genuinely arguable position that a serving junior police officer, anxious to protect and preserve his or her position at the CCC by not forming a view contrary to that of his or her superiors - who had effectively or impliedly directed the

commencement of a prosecution - would do other than what they were, in a practical day-to-day sense, “directed” to do.

As the CCC does not have the legislative power to prosecute alleged offenders, it has been using a “back door” method of effectively “directing” serving police officers seconded to the CCC to commence prosecutions which the CCC wishes to instigate.

This matter came up in the Supreme Court of Queensland in the case of *PRS v Crime and Corruption Commission [2019] QSC 83* on 21 March 2019. In that case, it was revealed that the CCC may give serving police officers seconded to the CCC a lawful direction to commence prosecution proceedings. In that situation, the CCC argued that even though a senior officer of the CCC might give a direction to a seconded police officer to arrest or otherwise prosecute an alleged offender, the police officer is under no “duty” to follow such direction if he or she does not believe it to be lawful i.e. if it does not raise a “reasonable suspicion” of unlawful conduct.

It would be exceedingly brave for a CCC-seconded police officer to defy a “direction” to proceed in a particular manner if their ongoing career at the CCC was only a signature away from termination at any time. In addition, there may be ramifications for their QPS career if their secondment to the CCC were to be withdrawn for allegedly failing to follow a “lawful direction”.

In essence, it has been the CCC’s apparent argument, that the ultimate decision of whether or not to comply with a supposed unlawful direction falls on a junior police officer, with the CCC basically saying that if the direction is unlawful, that it would be automatically remedied by putting the onus on the junior police officer to ignore the direction.

This appears to raise disingenuity to a whole new level. The reality and practical absurdity of such argument would be obvious to any first-year law student.

CCC MEDIA LEAKS

Criminal penalties and strict procedures should be put in place to stop the routine unlawful leaking of information to the media by the CCC. For example:

- On the day of [REDACTED] arrest by CCC officers [REDACTED] while [REDACTED] was being transported [REDACTED] Acting Mayor Paul Tully received 3 phone calls in the space of some 3 minutes from Brisbane media outlets seeking confirmation of [REDACTED] arrest, of which he had no knowledge. The unofficial CCC media alert hotline appeared to be in full swing.
- On the day of Mayor Antoniolli’s arrest on 2 May 2018, Channel 7 was at the Ipswich Police Station BEFORE Mayor Antoniolli’s arrival, following a CCC tipoff to local Ipswich and metropolitan media. **(See attachment “A”)**

The CCC routinely issues media releases along the lines similar to this one issued on 27 September 2017:

“A 53-year-old Karana Downs man was charged this afternoon with Official Corruption and Disobedience to Statute Law following a Crime and Corruption

Commission (CCC) investigation.”

Within 20 minutes, media outlets were reporting the name and occupation of the person. This has happened numerous times in the past 4 years in Ipswich and no doubt elsewhere. In view of the relative paucity of the information in the CCC media releases, there is only one conclusion to be made and that is that the CCC hotline is informally and improperly running hot by providing such information to the media. If it is not appropriate to put such information in the original media release, it is not appropriate for the CCC to secretly provide such information direct to any media outlets.

LESS-FAVOURABLE TREATMENT

Why were the 10 Ipswich councillors - who were never charged by the CCC with any criminal offences relating to the lengthy ICC investigation - dismissed by the State Government in 2018 and treated less favourably than the 4 comparable un-accused, dismissed Logan City Councillors who were immediately re-engaged as Council advisors on the Interim Management Committee in 2019, on their former salaries until the conclusion of the 2020 local government election.

This process in Logan, “sanctioned” by the CCC, provided a clear political advantage for them by remaining in the public eye up until the new Council election in Logan City in March 2020. Just one sitting Ipswich Councillor was facing charges when the entire Ipswich Council was dismissed in August 2018 but 13 Logan City Councillors were dismissed in May 2019 with 4 of them given lucrative positions on the Logan Interim Management Committee on their former Councillor salaries.

The Ipswich Councillors were clearly discriminated against by the failure to treat un-accused Councillors on both Councils in a similar manner. The CCC clearly and wrongly stepped into the political process for its own ends and thus disingenuously allowing the Government to say that it had acted in accordance with the advice of the CCC. People who are elected to public office are chosen by the public and their choice should be respected and not overturned by agencies which have their own agenda.

IMPROPER INTERVENTION BY CCC

On the eve of the appointment of a new Ipswich CEO on 30 April 2018, [REDACTED] advised the [REDACTED] in writing how the appointment of an applicant who was a serving ICC officer to the position could be perceived amid the ongoing CCC investigations. It was a not-so-subtle warning to Ipswich Councillors that the contents of that advice should be considered, presumably by not appointing an inside candidate. It was somewhat the reverse of the Logan situation where [REDACTED] warned Councillors

against sacking their CEO. The CCC was engaging in conduct far beyond its legal remit and its advice at the time brings into question the lawfulness and/or propriety of such action by the CCC.

It is understood the CCC subsequently recommended to the Ipswich Interim Administrator that the earlier appointment of the "inside candidate", highly-respected and experienced [REDACTED] should be terminated. [REDACTED]. Such advice constituted a wrongly-based perception by the CCC of "guilt by association" and an improper interference by the CCC into the operations of the Ipswich City Council, well beyond its legislative responsibilities.

It is understood that the CCC also provided an unlawful and/or inappropriate additional "hit list" of ICC officers - against whom no legal action was ever taken by the CCC - which it had determined and/or recommended to the [REDACTED] [REDACTED] should be dismissed or who were effectively forced to resign to avoid dismissal. This list did not include two 2 junior council officers who were facing 2 and 28 CCC charges respectively but who were never suspended or dismissed. This clearly constitutes ongoing improper interference by the CCC in relation to one of the state's 77 councils.

WHO WAS TELLING THE TRUTH?

The issue of apparent inappropriate conduct by either [REDACTED] or [REDACTED] in relation to who knew what and who recommended the dismissal of the Ipswich City Council, beggars belief.

On 10 July 2018, it was reported in The Courier-Mail that [REDACTED] stated that his decision to remove the Ipswich City Council was: "acting on the advice that I've had from [REDACTED]"

[REDACTED] 'wanted me to sack council': Minister

[REDACTED] said his decision to remove the council was him "acting on the advice that I've had from [REDACTED]"

By Hayden Johnson

[REDACTED] advised the State Government to sack the council, [REDACTED] has said.

[REDACTED] speaking on ABC radio, said his decision to remove the council was him "acting on the advice that I've had from [REDACTED]"

[REDACTED] wants me to take this action," [REDACTED] said.

"I've been speaking to him about this matter."

Fending off strong comments from councillors he has sacked, ██████ said the council's problems ran "deep into the organisation".

"I believe after the turmoil that the council's been through that the best thing for the city and the community is to have a period of stability, a root and branch reform within the organisation and then facing those fresh elections along with others across the state when the council elections are due in March 2020," he said.

He acknowledged some people would be hurt.

"I completely believe that there is going to be some innocent people damaged out of this process, there has been already, but I know that there are people out there and about in the community of Ipswich and certainly amongst the staff of the Ipswich City Council who will be damaged."

Comment has been sought from the CCC." (See Attachment "B")

This report is in complete contradiction of the subsequent statement of ██████ reported on 9News.com.au on 12 July 2018:

█████ **not consulted in council sacking**

█████ says ██████ was not consulted about laws to sack Ipswich City Council following corruption allegations, but does support the move.

█████ comments come after criticism of the government's move to draft special legislation to sack the council after 15 councillors and staff were charged with a total of 79 offences.

The Liberal National Party Opposition has raised questions about whether the government consulted the Crime and Corruption Commission before announcing the laws.

Ms Frecklington on Thursday repeated her question over when the government had approached the CCC about the laws.

█████ said very clearly that he had been advised or had spoken to the CCC and had been told he could sack the council on that advice," Ms Frecklington told reporters.

"If ██████ has verballed the CCC and if that is not correct then we want to see the briefing."

█████ released a statement on Thursday clarifying ██████ had only been consulted about the legislation after it had been announced, to ensure it did not clash with the ongoing investigation into the council's corruption allegations." (See Attachment "C")

If [REDACTED] version of events is correct, did the action of [REDACTED] in allegedly providing false information to the media and the people of Queensland constitute Abuse of Office or Misconduct in Relation to Public Office under sections 92 or 92A of the Queensland Criminal Code?

Alternatively, if [REDACTED] version is correct, it appears that [REDACTED] may have misled the Parliament.

If the dismissal of the entire Ipswich City Council was predicated simply on the basis of the arrest of a second Ipswich Councillor (Mayor Antonioli) - who was denied natural justice and presumed guilty from the start but subsequently completely exonerated in the District Court and Court of Appeal - as well as the two failed Show Cause notices, there is an overwhelming perception that the dismissal should never have occurred and that the reported [REDACTED] recommendation to [REDACTED] to dismiss the Council was ill-considered, lacked any proper sense of fair play or reasonableness and was totally inappropriate given that the 10 un-accused Ipswich Councillors have never been charged with any wrongdoing.

This appears to be a compelling example of [REDACTED] wrongly pressing the Government to act at the behest of the CCC to achieve its own ends without any proper consideration of the propriety or fairness of the outcome [REDACTED] was seeking to achieve.

[REDACTED] did not seem to understand - or ignored - the legal separation of powers under the Local Government Act between council officers and elected members. (A similar inference could be made regarding the separation of powers between the CCC and [REDACTED] With ongoing unqualified Internal Audit and Auditor-General Annual Reports to the Ipswich City Council containing no hint of any wrongdoing, how could even the most-diligent Ipswich Councillor be expected to be aware of secret dealings or professional misconduct of others?

OPERATION WINDAGE

Operation Windage was established by the CCC on 17 October 2016 and handed down its Report on 14 August 2018 into matters relating to the Ipswich City Council.

At page 24 of the Report, it was stated:

“Following the Government’s announcement in May 2018 about considering the removal of Ipswich City Council and providing councillors with a “show cause notice”, councillors and a senior executive employee allegedly altered their behaviour. This included ceasing to use internal communication methods, such as council emails and electronic diaries. All meetings were scheduled via an unknown mobile messaging application, meetings were conducted off-site and minutes of these minutes were not recorded. Meetings were also removed from electronic diaries so personal assistants were not aware meetings were happening. It is believed that this was done in an attempt to conceal their activities and correspondence from the CCC.”

This ill-prepared report had numerous, factually-incorrect claims. Emails and electronic diaries continued as normal with access prudently limited to councillors and senior officers. Councillors and senior officers did NOT alter their behaviour as wrongly stated in the Report. This is verified - but ignored - by the CCC in a submission to the CCC dated 9 August 2018 by the Ipswich City Council [REDACTED] which stated, inter alia:

“Councillors and senior officers did alter their behaviour in a minor manner to prevent information leaking to the media, from within the organisation, which could prove prejudicial to the court proceedings or a waiver of Council’s Legal Professional Privilege. At no time did Councillors or Senior Officers alter their behaviour for the purposes of avoiding the scrutiny of the CCC.” (See Attachment “D”)

We believe this comment regarding off-site meetings related specifically to the only off-site meeting of Ipswich Councillors since the local government election in March 2016 where the Councillors and their spouses/partners had a social gathering at the home of [REDACTED] in the Ipswich suburb [REDACTED]

This was a non-Council, non-political, pizza night around an open fire paid for by the Councillors out of their own pocket. For the CCC to suggest that Councillors should have kept minutes of a private social catch-up beggars belief. Was the CCC seriously suggesting that a few councillors anywhere in Queensland attending one of their birthday parties or a having a meal at a pub or even attending a funeral, need to keep formal minutes of these private gatherings? There is nothing in the Local Government Act 2009 requiring private, personal catch-ups of Councillors to be minuted. It is an absurd suggestion by the CCC and is completely out-of-touch with common-sense or reality. The CCC must be the only anti-corruption body in the world requiring elected representatives to minute every moment of their daily lives! This is a prime example of the CCC creating a fictional narrative to wrongly convey something untoward.

This one example shows the need for the CCC to familiarise themselves with the genuine nature of personal relationships which have nothing to do with the formal duties of elected members. It also shows some of the spurious reasons publicly put forward by the CCC to justify the dismissal of the duly-elected Ipswich councillors as well as their failed attempt to attribute improper motives to a group of councillors having a personal catch-up.

IMPROPERLY ACCESSING COUNCIL RECORDS

As part of the Ipswich CCC investigation between 2016 and 2018, the CCC unlawfully gained access to numerous Council records. This ongoing improper access without search warrants was allowed by [REDACTED] contrary to a specific Council policy adopted over a decade ago requiring all law enforcement agencies to either have a statutory right of access/seizure or a search warrant.

██████████ did not have the power to override a Council policy decision and acted outside his lawful duties. It behoves the CCC to act legally and professionally to ensure that they are never party to obtaining or seizing any records in an unauthorised manner.

SUSPENSION OF ELECTED MEMBERS

Given the farcical and unfair situations in Ipswich and Logan in 2018 and 2019, section 175K of the Local Government Act 2009 should be amended to ensure that no elected member may be suspended merely because they are charged with a “disqualifying offence”. This is a draconian provision which hits innocent Councillors very hard and is extremely unfair and contrary to any proper notion of justice that a person is innocent until proven guilty.

COMPENSATION

Compensation should be paid to all unfairly dismissed Councillors because of the severe financial and personal harm suffered by individual, innocent Councillors as a result of misconduct, maladministration and wrongdoing by the CCC.

Reasons to justify such payments include:

- Most Councillors, all of whom were full-time, were not eligible to access a pension or superannuation upon removal from elected office, owing to their age;
- Councillors do not receive leave entitlements such a holiday or long service leave or the cash equivalent; and
- There are major difficulties in transitioning from public office to private employment especially when dismissed from office. No employer was keen to take on the dismissed Councillors owing to the “official” narrative that was provided to the public. To this day, some have been unable to find alternative employment and/or are still suffering from ongoing personal health issues. In the case of former Mayor Antonioli, the lengthy pending CCC prosecution and appeals process over 2½ years made it virtually impossible for him to gain any meaningful employment.

SUMMARY

At the end of the day, there has been only one Ipswich Councillor ██████████ convicted of criminal wrongdoing in the City’s 162-year history. Unlike Logan City Council where 8 Councillors were charged, the Council dismissed and 4 ex-Councillors re-engaged on their former salary level to the Interim Management Committee, the Ipswich Councillors against whom no charges were ever laid, have been treated unfairly, improperly discriminated against and have faced reputational, mental health and financial issues as well as family breakdown.

This continues to this day.

On 30 July 2018, the Brisbane Times reported **“Ipswich sacking laws unjust: Law Society”** which included the following:

“Queensland’s peak legal body says proposed laws to sack Ipswich City Council are unjust, dangerous and should not go before parliament. Queensland Law Society (QLS) president Ken Taylor says the proposed laws deny councillors the presumption of innocence, with no recourse for appeal.”

Significantly, the same article states: *“The Local Government Association of Queensland has also raised serious concerns about the denial of natural justice, using its submission to argue councillors should be given compensation.”*
(See Attachment “E”)

On 11 July 2018, The Courier-Mail reported on a statement from Queensland barrister Tony Morris QC - **Council sacking ‘as bad as Bjelke-Petersen era’: Barrister’** - who said, inter alia:

A PROMINENT barrister has declared the government’s move to sack the Ipswich City Council amid its court challenge is reminiscent of the “worst conduct of the worst conduct of the Bjelke-Petersen era”. Mr Morris said it was “matters of constitutional principle. “An elected government, an elected parliament uses legislation wisely to legislate for the future,” he said. “To do it in the face of a pending case in the Supreme Court, effectively taking that case out of the hands of the Court and saying despite the right to litigate in the Supreme Court, we’re going to decide this without regard to what the Supreme Court decides.” **(See Attachment “F”)**

RECOMMENDATIONS TO THIS INQUIRY

- 1.** That the Crime and Corruption Act 2001 be amended to ensure that no serving police officers are engaged by, or seconded to, the CCC.
- 2.** To ensure a clear separation of powers of its current investigative and prosecutorial roles in practice by using seconded serving police officers, the power of the CCC to institute criminal proceedings through any means be removed from the CCC – as well as by any persons seconded to the CCC - and vested in the Director of Public Prosecutions (DPP), to ensure full public confidence in the CCC, considering the many sensitive inquiries and investigations which it conducts.
- 3.** If neither of the above Recommendations 1. or 2. is accepted, that the CCC be authorised to commence legal proceedings only by way of a “Notice to Appear” rather than through the arrest and notorious CCC public parades of individuals who are supposed “innocent until proven guilty”, except in the gravest of cases such as persons attempting to flee the jurisdiction.

4. That this Inquiry examine the proper separation of powers between the CCC and the State government and issues arising from the systemic failure of the CCC to accord natural justice.
5. That criminal penalties and strict procedures be put in place to stop the routine improper leaking of information to the media by the CCC. In particular, this Inquiry should examine the leaking of information by the CCC to the media about imminent planned arrests of high-profile individuals and investigate if those disclosures have been sanctioned in any way by management.
6. That the CCC be prevented from involving itself in any day-to-day Council matters including the appointment or removal of any Council staff and other operational matters for which the relevant Council is solely responsible, subject to the general oversight of the Minister for Local Government.
7. That the CCC review its operational processes to ensure that potentially lengthy investigations are appropriately reviewed in advance, and on an on-going basis, to ensure that no persons are likely to self-harm because of their fears, founded or unfounded, that they may be investigated and prosecuted by the CCC, as evidenced in the case of [REDACTED] referred to earlier in this submission.
8. That the CCC engage a highly-experienced person(s) with previous senior local government experience in Queensland or at elected member level to advise on the proper processes of local government, the appropriate roles of councillors and Councils' operational policies and procedures to ensure there is a substantive and genuine understanding of the "real world" of local government. People of the calibre of [REDACTED] or [REDACTED] should be considered for this role.
9. That this Inquiry recommend to the State Government the payment of compensation to each of the 11 Ipswich Councillors unfairly dismissed in 2018 generally in accordance with any similar recommendation in respect of former dismissed Logan City Councillors in 2019, given the inappropriate conduct of the CCC and alleged improper advice from [REDACTED] [REDACTED] to dismiss the Ipswich City Council and the failure of [REDACTED] to provide subsequent procedural fairness to the dismissed Ipswich Councillors who were not charged with, or were ultimately totally exonerated of, any criminal misbehaviour, combined with [REDACTED] discriminatory failure to engage them on the Ipswich Interim Management Committee, as was afforded to Logan City Councillors in a substantially identical situation. The only way in which the public's confidence in the CCC will ever be restored is if the severe financial and personal harm suffered by individual innocent Councillors as a result of misconduct, maladministration and wrongdoing by the CCC is remedied by the payment of appropriate compensation.
10. That a public apology be provided to relevant Ipswich and Logan Councillors and former Councillors to restore elected members' reputations and refute unfounded imputations made against them during the past 4 years.

11. That no Councillor be suspended or disqualified from their position merely because they have been charged with a “disqualifying offence” until they are found guilty of such offence and all appeals have been finalised.

We would like the opportunity to appear in person to answer any questions or amplify any aspects of our submission.

This submission is made by Cr Paul Tully, David Pahlke, Charlie Pisasale, Andrew Antonioli, David Morrison, Cr Sheila Ireland, Cheryl Bromage, Kerry Silver, Kylie Stoneman, Wayne Wendt and David Martin, listed in order of their length of service on Ipswich City Council and, in the case of David Pahlke, on Moreton Shire Council 1991-1995 and Ipswich City Council 1995-2018.

28 March 2022

ATTACHMENTS

A. 2 May 2018 - Mayor Antonioli arrives at Ipswich Police Station to face arrest, with Channel 7 already staking out his arrival

B. 10 July 2018 - The Courier-Mail: Head of CCC ‘wanted me to sack council’: Minister

C. 12 July 2018 - 9 News: CCC head not consulted in council sacking

D. 9 August 2018 [REDACTED] to CCC

E. 30 July 2018 - The Brisbane Times: Ipswich sacking laws unjust: Law Society

F. 11 July 2018 - The Courier-Mail: Council sacking ‘as bad as Bjelke-Petersen era’: Barrister

- A -

2 May 2018: Mayor Antoniolli arrives at the Ipswich Police Station with Channel 7 already in attendance



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Head of CCC 'wanted me to sack council': Minister

Stirling Hinchliffe said his decision to remove the council was him "acting on the advice that I've had from the chair of the CCC".

By Hayden Johnson

less than 2 min read

July 10, 2018 - 1:37PM



Minister Stirling Hinchliffe said his decision to remove the council was him "acting on the advice that I've had from the chair of the CCC". Picture: GLENN HUNT

THE head of the state's Crime and Misconduct Commission advised the State Government to sack the council, Minister Stirling Hinchliffe has said.

Mr Hinchliffe, speaking on ABC radio, said his decision to remove the council was him "acting on the advice that I've had from the chair of the CCC".

"The chair of the CCC wants me to take this action," Mr Hinchliffe said.

"I've been speaking to him about this matter."

Fending off strong comments from councillors he has sacked, Mr Hinchliffe said the council's problems ran "deep into the organisation".

"I believe after the turmoil that the council's been through that the best thing for the city and the community is to have a period of stability, a root and branch reform within the organisation and then facing those fresh elections along with others across the state when the council elections are due in March 2020," he said.

He acknowledged some people would be hurt.

"I completely believe that there is going to be some innocent people damaged out of this process, there has been already, but I know that there are people out there and about in the community of Ipswich and certainly amongst the staff of the Ipswich City Council who will be damaged."

Comment has been sought from the CCC.



CCC head not consulted in council sacking

3:21pm Jul 12, 2018

The head of Queensland's corruption watchdog says he was not consulted about laws to sack Ipswich City Council following corruption allegations, but does support the move.

His comments come after criticism of the government's move to draft special legislation to sack the council after 15 councillors and staff were charged with a total of 79 offences.

The Liberal National Party Opposition has raised questions about whether the government consulted the Crime and Corruption Commission before announcing the laws.

Ms Frecklington on Thursday repeated her question over when the government had approached the CCC about the laws.

"The minister (Stirling Hinchliffe) said very clearly that he had been advised or had spoken to the CCC and had been told he could sack the council on that advice," Ms Frecklington told reporters.

"If Mr Hinchliffe has verballed the CCC and if that is not correct then we want to see the briefing."

CCC Chair Alan MacSporran QC released a statement on Thursday clarifying he had only been consulted about the legislation after it had been announced, to ensure it did not clash with the ongoing investigation into the council's corruption allegations.

"When I was informed of the decision to remove the Council, I told the Minister that I supported removing Ipswich City Council," Mr MacSporran said.

"The decision to remove the council and the legal process for this to occur is a matter for the Government, not the CCC."

"The CCC's independence is at the core of everything this agency does and the decisions we make."

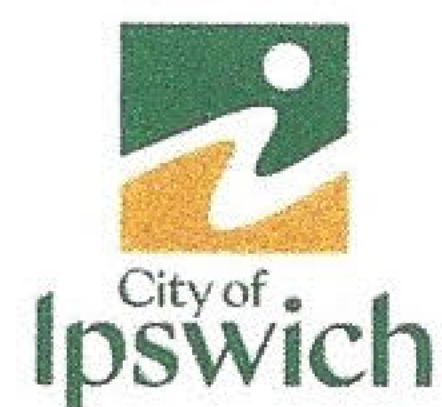
Mr Hinchliffe said the laws would be sent to be considered by parliamentary committee before the next ordinary sitting of state parliament in August, in an effort to further speed up their introduction.

The LNP has also criticised that decision, saying the government was trying to rush through the laws without proper scrutiny.

- D -

Submission received from [REDACTED]

Your reference
Our reference [REDACTED]
Contact Office
Telephone [REDACTED]



Ipswich City Council

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PO Box 191
Ipswich QLD 4305
Australia

Web www.ipswich.qld.gov.au

Mr Alan MacSporran QC
Chairperson
Crime and Corruption commission
GPO Box 3123
BRISBANE QLD 4001

9 August 2018

Dear Mr MacSporran

Re: Ipswich City Council Responses to Operation Windage public report

The Ipswich City Council would respectfully like to clarify a small number of factual matters that have been observed in the report. These factual matters are as follows:

Factual Corrections

Page 11, Paragraph 4: states that Ipswich City Council does not have a code of conduct for its councillors and no fraud risk register in place. Council introduced a Code of Conduct for Councillors on 27 March 2018 prior to the State legislation being introduced. A copy of this Code of Conduct is provided as Attachment 1. Council also adopted a new Councillors' Acceptable Requests Guidelines for Advice or Information Policy; a new Capture and Retention of Public Records – Mayor and Councillors; and a system of transparency in the recording of information in minutes and the publication of reports on Council's website.

Page 18, Paragraph 4: states that Council sponsors the Country Music Channel (CMC) Rocks event in Willowbank at the cost of \$200,000. This is factually incorrect. Council provided sponsorship of the event at a cost of \$100,000 with an incentive payment of \$50,000 if the event delivered 5,000 unique interstate and overseas visitors to Ipswich.

Page 18, Paragraph 7: states that Council vehicles were regularly used for overnight trips away. Under the existing policy, the Councillors pay a certain amount out of their remuneration for private use of the vehicles. The amount each Councillor contributes varies depending on the percentage of private use and the total running costs of their car.

Page 20, Paragraph 5: states that following the government's announcement in May considering the removal of the Ipswich City Councillors, the Councillors and a senior executive altered their behaviour and held meetings off-site to avoid the scrutiny of the CCC. This is factually incorrect.

Councillors and senior officers did alter their behaviour in a minor manner to prevent information leaking to the media, from within the organisation, which could prove prejudicial to the court proceedings or a waiver of Council's Legal Professional Privilege. At no time did Councillors or Senior Officers alter their behaviour for the purposes of avoiding the scrutiny of the CCC.

Chapter 2, Governance Framework

The 'Councillor's conflict of interest at a meeting' extract in Appendix 1 is not the current provision. The relevant sections of the *Local Government Act 2009* (current to 20 July 2018) are contained in section 175D and 175E.

[REDACTED] wrote to the CCC on 21 May 2018 seeking assistance from the CCC in the development of the Community Donations Policy.

Chapter 4, Lack of oversight and accountability for expenditure and public resources

Council wish for it to noted that some of the matters here are historical and should be qualified in that context. The lack of particulars make it difficult to respond, when not knowing the evidence relied upon.

General Comments

The Senior Executive Officers who were charged by the CCC in Operation Windage are no longer employed by Ipswich City Council. The Councillors who have been charged by the CCC in Operation Windage have either resigned from their positions or are suspended.

The report often uses the plural terms for Councillors and Senior Executive Employees of Council. Council would like to state that it should be noted that the allegations and charges laid to date relate to specific Councillors and Senior Executive Employees but not all Councillors or Senior Executive Employees of Ipswich City Council.

Council is currently in the process of closing down all of Councils controlled entities with the exception of one that is required to deliver the Central Business District (CBD) redevelopment project. Following delivery of the CBD, Council has committed to closing down this last company. Council has done this to improve the overall transparency and accountability of all aspects of the Council's operations.

Yours respectfully

[REDACTED]

Encl.

- E -

Ipswich sacking laws unjust: Law Society

By Tracey Ferrier and Stuart Layt

Updated July 30 2018 - 4:31pm, first published 4:29pm

Laws to sack Ipswich City Council are unjust and dangerous and should not be introduced to parliament, Queensland's peak legal body argues.

The Queensland Law Society (QLS) has savaged the state government's plan to pass laws to sack the entire council, as 15 people with council links face over 70 corruption and related offences.

QLS president Ken Taylor said the proposed laws deny councillors the presumption of innocence, with no recourse for appeal.

"The government already has power to abolish council, in fact it gave itself that power earlier this year. That process has started, we say that process should finish," Mr Taylor said on Monday.

"It's an abrogation of the basic rights that should be available to all Queenslanders."

The Local Government Association of Queensland (LGAQ) also raised serious concerns about the denial of natural justice, as has the Queensland Council for Civil Liberties (QCCL).

The law society said even those who have been charged must be presumed to be innocent, until proven otherwise.

However the head of the state's corruption watchdog said there had been such an erosion of public trust in Ipswich City Council that the need for dissolution overrides individual councillors' rights.

Speaking at a parliamentary hearing on Monday to consider the proposed laws, Crime and Corruption Commission head Alan MacSporran QC said as a result of their investigations, he was satisfied sacking Ipswich council was the only option.

"Many councillors were not directly involved (in corrupt practises) and may not have been aware of them, but that is rather the point," Mr MacSporran told the hearing.

In answers to committee members' questions he elaborated that some Ipswich councillors had freely admitted there was a "code of silence" surrounding corruption matters which suggested a broader cultural problem at the council which needed to be fixed.

"Whether you accept these allegations or not is not the point, there's a clear failure in public confidence. That's what's sought to be addressed here."

Mr MacSporran foreshadowed that a long-awaited report from the CCC's investigation into Ipswich City Council since 2016 would be released in the next few weeks, and that it would contain further details about alleged corruption in the council.

Earlier in the day the committee travelled to Ipswich where they were strongly urged by Ipswich councillors not to allow the law to pass.

Veteran councillor Paul Tully, who is not accused of any wrong doing, said in his submission to the committee the law was something that would be seen in North Korea, not Australia.

"Al Capone and the Boston Strangler were afforded greater legal rights than the ten sitting Councillors of the Ipswich City Council against whom no allegations or accusations have been made," Cr Tully said.

If the laws pass, administrators will be brought in to run the council until the next elections in 2020.

Australian Associated Press

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Council sacking 'as bad as Bjelke-Petersen era': Barrister

Queensland barrister Tony Morris QC said doing that after the council took the matter to the Supreme Court was "utterly unacceptable".

By Hayden Johnson

2 min read

July 11, 2018 - 12:16PM



Ipswich Councillor Paul Tully was elected during Sir Joh Bjelke-Petersen's reign as Premier. Picture: David Nielsen

A PROMINENT barrister has declared the government's move to sack the Ipswich City Council amid its court challenge is reminiscent of the "worst conduct of the worst conduct of the Bjelke-Petersen era".

Local Government Minister Stirling Hinchliffe plans to introduce legislation to the Queensland Parliament on August 21 to dismiss the council.

Queensland barrister Tony Morris QC said doing that after the council took the matter to the Supreme Court was "utterly unacceptable".

"This is really back to the worst conduct of the worst conduct of the Bjelke-Petersen era," Mr Morris told ABC radio.

"People following the Fitzgerald Inquiry loved to ask politicians the question, what about separation of powers?"

"Here we have a government using the parliament to prevent the Supreme Court deciding the outcome on this issue."

He said it was unprecedented to "cut off a piece of litigation while it's pending".

"It's hard to imagine a worse case of abuse of parliamentary process," Mr Morris said.

Ipswich Councillor Paul Tully was elected during Sir Joh Bjelke-Petersen's reign as Premier.

"Joh was the most undemocratic dictator this state has seen since 1859," he said.

"He trod over peoples rights, made it illegal to protest against the government and he had no concern his for constitutional responsibilities."

Cr Tully said Mr Morris' comparison to the Bjelke-Petersen era was "interesting".

"Tony Morris has hit the nail on the head with his condemnation of the proposed Act of Parliament to sack Ipswich City councillors," he said.

Mr Morris said it was "matters of constitutional principle.

"An elected government, an elected parliament uses legalisation wisely to legislate for the future," he said.

"To do it in the face of a pending case in the Supreme Court, effectively talking that case out of the hands of the Court and saying despite the right to litigate in the Supreme Court, we're going to decide this without regard to what the Supreme Court decides."

On Tuesday Mr Hinchliffe said he was acting on the advice of the CCC and; "the chair of the CCC wants me to take this action".

Mr Morris said Mr Hinchliffe's comment might have been a "misunderstanding".

"The notion that the government is at the beck and call of the CCC to pass retrospective legislation to prevent litigation in the Supreme Court, just because the head of the CCC asks for it is bizarre," he said.

The QT asked the Crime and Corruption Commission to clarify what advice Mr MacSporran had provided Mr Hinchliffe.

"As the investigation remains ongoing and related matters are before the court, it is not appropriate for the CCC to comment further," a CCC spokesman said.

"Fifteen people have been charged with 79 offences following the Crime and Corruption Commission's investigation into Ipswich City Council.

"The CCC's investigation remains ongoing."

The LNP's Local Government spokeswoman Ann Leahy said the government should release information provided by the CCC.

"Premier Annastacia Palaszczuk must release all advice received from the Crime and Corruption Commission on this matter, in particular, any advice to sack the full Ipswich City Council," she said.