

Submission to Commission of Inquiry into the Crime & Corruption Commission

I Laurence William Smith make the following submission to the Inquiry based on my being a victim of what I consider to be either

Inappropriate Conduct¹

Misconduct in Public Office

Corrupt conduct

By members of the CCC and seconded QPS officers who were involved in the carriage of the investigation and who despite being sworn police officers failed to act impartially and fairly in their deliberations along with others who also failed to follow their own legislated processes as well as ignoring the process laid down by the DPP.

Which resulted in my along with other former Logan City councillors were charged with fraud on the 26th April 2019.

Due to the nature of the charge we were immediately stood down from our roles in compliance with recently introduced legislation and then due to council not having a quorum for voting purposes an administrator was appointed and we were summarily dismissed without receiving any natural justice.

It appeared we were the victims of a pre-determined outcome instigated in my opinion by senior members of the CCC.

As subsequently proven during our committal hearing in 2021 the charges were dismissed by the DPP due to insufficient evidence, with the magistrate Mr Courtney making a statement to the court words to the effect that "based on what I saw and heard during the two weeks of hearing last year, that is the correct decision"

When the verdict was announced, justice had finally absolved those of us who were maliciously charged with a character, career and reputational destroying, charge of Fraud.

We were publicly humiliated and sacked from our roles as elected members with no natural justice applied

We lost our incomes, and the ability to contest our seats in the 2020 election

Emotional and mental anguish became our norm as being an honest person ,and to be charged with a serious criminal offence has a debilitating effect on your self esteem, confidence and sense of worth.

Our reputations have been destroyed and we will forever have the shadow of the word FRAUD casting a false impression against us .

Even though the trial was discontinued ,from a public perspective mud sticks ,the CCC wouldn't charge anyone unless they were certain, they had good lawyers who got them off.

When in fact the CCC charge was based on unsubstantiated claims, accusations and false statements made by other persons which the QPS officers involved with the investigation failed in their role/duty to act fairly, impartially and in accordance with laid down procedures.

I mentioned before that I considered actions taken by persons of the CCC to be in my opinion to be

Inappropriate conduct

Misconduct in public office

Corrupt conduct

I personally have to question the following incidents

August 2018

CCC met with the applicant and her legal team where during the meeting it was voiced words to the effect that it would be an acceptable outcome for an administrator to be appointed and with the applicant reinstated. Following this meeting an internal working group within the CCC was tasked to identify/explore what charges that complied with the recent Integrity legislation that could bring about the dismissal of elected members

April 2019

During the PCCC hearing a comment was presented which said words to the effect "we need to charge Smithy and a good proportion of his mates before May 2nd

Bearing in mind that final oral submissions to the QIRC hearing were due to be heard and one has to wonder if that determination to charge was to influence the thinking of the commissioner in the QIRC.

24th April around 5.10 pm I received a phone call from the CCC asking who my legal representative was and to stay by the phone in case they were unable to contact them. I then received a call from my then solicitor Simon Carter advising me that I was to present to the CCC headquarters on the 26th April where I was to be charged with Fraud.

To say that we were both flabbergasted would be an understatement especially considering there was action occurring in the QIRC around the matter and had already had three weeks of cross-examination undertaken of all respondents and witnesses

26th April

I attended the CCC and was transported to FV police station where I was processed and formally charged with FRAUD.

I draw your attention to my QP9 court brief cover sheet, case file

ID CO1900075037 and to this day and beyond I will and have struggled to ascertain how such a miscarriage of the law was allowed to happen and was aided and abetted by sworn investigative police officers ,assisted by highly experienced legal practitioners to achieve a pre determined outcome and took on face value without impartially testing the veracity of the he said /she said false allegations and assumptions presented in sworn statements.

In my mind and personal opinion this document (QP9) was hastily compiled after the meeting on the 24thApril to substantiate a pre determined outcome and failed to be fair, impartial and most importantly honest

In the document I am mentioned specifically on pages 10,12 & 18

Pages 10,12 were my voicing my personal opinion on events at the time

P18 it states "further more ,councillors aligned to the Mayor have executed the Mayors plan for their own self and political interests [REDACTED] in his statement provides evidence of favouritism to aligned clr's within the recent LCC budget Clr's aligned to the Mayor can be seen to have obtained significant expenditure or projects within their respective division's. Clr's supporting the [REDACTED] have clearly received little financial support from the Mayor and [REDACTED] in their divisions .Such expenditure is clearly political gain and speaks to a council alliance acting in concert for further dishonest gain"

So lets look at [REDACTED] statement.

During budget discussions each and every item is voted on and if approved for inclusion is then entered into the formal budget document which is then formally voted for in a separate formal council budget meeting. It is my recollection that the 2018/19 budget was passed by a majority vote with one councillor voting against the budget.

A similar accusation/query as detailed in the QP9 brief in relation to the budget was raised with the administrator, who investigated said budget and responded to the Logan based ratepayers association that after her carrying out her due diligence and investigations she determined that no individual councillor received favoured treatment from the budget and that large projects approved within relevant divisions were whole of city projects subject to their own approval processes

If an administrator can readily investigate and substantiate whether the accusation has basis or untrue, one has to wonder why then didn't the investigative officers carry out some cursory enquiries.

Or does one reasonably suspect that having decided to take on face value all and any accusation/allegation against we accused, without treating them with fairness and impartiality, was there a grave miscarriage against those of us charged on the 26th April 2019

Considering that there are 21 cases against local members of local Government that have not been proceeded with or were stood down on appeal, one has to wonder what the vendetta / campaign against honest persons was about.

All honest law abiding people support a crime and corruption commission that has extra powers that are used to protect us from those who wish us harm. With those extra powers we expect those that have them to use them fairly, impartially and honestly in the pursuit of fair and natural justice being done.

Unfortunately the CCC brand has been severely damaged with the large number of failed and dare I say it improper prosecutions

I'm sure that there will be many staff within the CCC disappointed with previous actions and outcomes and what happened to us is not a reflection on the organisation as a whole but concerns about the actions of individuals operating outside guidelines

It will take time for reputation to be rebuilt and I'm sure that going forward we will see an entity that reflects the ideals of behaviour we expect from our premiere law enforcement agency

Also we need to ensure that what has happened to us and others is not ever allowed to be repeated and one has to wonder what , considering the impact that the charge of Fraud has had on myself and colleagues where is the justice that false accusers can make unsubstantiated / false sworn statements , and their appears to be no recriminations against those involved with making false or unlawful complaints.

Regards

Laurie Smith

28/03/2022

Please note I have also attached my personal submission to the PCCC enquiry.