

CRIME AND MISCONDUCT COMMISSION



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Your Reference: NA
Our Reference: MI-11-1508 / DBJONES
Contact Officer: Dylan Jones

14 July 2011

PRIVATE & PERSONAL

Mr Richard Koerner
rjkoerner@iinet.net.au

Dear Mr Koerner

RE: YOUR CONCERNS

I refer to your emails of 10 and 12 July 2011 to the Crime and Misconduct Commission (CMC) regarding your concerns about appointments within the South East Queensland (SEQ) water sector.

We refer to our letter to you of 7 July and our further telephone discussions of 8 July 2011 in which we outlined our reasons for not taking any action in relation to this matter. Nothing that you have raised in your recent correspondence causes us to alter that earlier decision.

In your email you refer to correspondence you intend to supply to the CMC that demonstrates misconduct 'at the highest levels of the Queensland Government relating to failure to adopt of NWI(National Water Initiatives) reform agreements with the Federal Government in SEQ'.

Before referring any further correspondence to the CMC please consider the advice we gave to you on 8 July 2011 regarding the CMC's jurisdiction and what would amount to official misconduct under the *Crime and Misconduct Act 2001*(the Act).

Regarding your attached letter of 11 November 2010 addressed to the 2011 Biennial Assessment, please note the CMC's advice to you in a letters dated 7 June and 8 August 2008 (CMC matter MI-06-1131 refers), as then treasurer of the Coolum Beach Progress and Ratepayers Association (the Association).

As these matters have been considered and closed, the CMC does not intend to take any further action in relation to those concerns.

Regarding correspondence referred by the Queensland Competition Authority (QCA) to the CMC as per its obligations under the Act, I understand the QCA advised you of what was sent.

For your information, the QCA initially provided a summary of your concerns. The QCA then forwarded the following to the CMC:

1. Letter dated 31 January 2005 from Mr Peter Brown of the Association to Mr Peter Dajcz of the Queensland Audit Office;
2. Letter dated 11 August 2005 from the Public Accounts Committee to Mr Brown;
3. Letter dated 6 June 2011 from Ms Gayle Leaver of the Queensland Water Commission to you;
4. Letter dated 17 June 2011 from Ms Karen Waldman of the Queensland Water Commission to you; and
5. Email of 6 July 2011 from you to Cath Barker of the QCA, which included supporting emails to other bodies.

Finally, I note the comment in your email of 12 July 2011 that the Queensland Ombudsman would have documentary evidence relating to improper manipulation of regulatory assets by government agencies.

As the CMC does not intend to take any further action in relation to your concerns, we will not be requesting this information from the Ombudsman.

Under the Act, the Ombudsman has a statutory obligation to report to the CMC any evidence gathered in the course of dealing with the matter that supports a suspicion of official misconduct.

We understand the Ombudsman has considered the matter and has not, to this time, made any referral to the CMC. You may wish to discuss your concerns with the Ombudsman.

We acknowledge this matter remains of concern to you.

We note your concerns have been included in submissions to various State and Federal Government Departments and we are of the opinion these Departments are a more appropriate forum to deal with your concerns.

We regret, that based on our understanding of your concerns, we are not able to be of any further assistance to you.

Yours sincerely



JEFFREY FARRAH
Acting Principal Legal Officer
Public Sector Program
Integrity Services

