



**Crime and Corruption
Commission**

QUEENSLAND

CRIME AND CORRUPTION COMMISSION

MAKING ALLEGATIONS OF CORRUPT CONDUCT PUBLIC: IS IT IN THE PUBLIC INTEREST?

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TRANSCRIPT OF PUBLIC FORUM

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Panel members:

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Mr Alan MacSporran QC
Mr Marshall Irwin
Mr Richard Bingham
Dr Rebecca Denning

CCC Chairperson and Panel Chair
CCC Ordinary Commissioner
Queensland Integrity Commissioner
CCC Director, Policy and Research

Speakers:

Mr Greg Darlington
Mrs Joan Darlington

Mr MacSporran QC Right. Mr and Mrs DARLINGTON. Mr and Mrs DARLINGTON, thank you for coming. We've read the submissions you've made. Did one of you wish to make an opening statement or summary of the issues?

Mr Darlington We've discussed this with Dr – we'd both like to make an opening statement if we could.

Mr MacSporran QC Certainly. That's fine. My fault, I'm reminded by Mr IRWIN that we need just for the record, this is being recorded, can we have your full names, please?

Mr Darlington Yes. My name is Greg DARLINGTON. I'm a TPI war pensioner.

Mrs Darlington And my name is Joan DARLINGTON. I am retired and we just represent ourselves.

Mr MacSporran QC Thank you. Okay. Mr DARLINGTON, do you want to make an opening statement?

Mr Darlington Yes. Thank you. First of all thank you for inviting us to speak at this forum. And a special thank you to Dr DENNING for allowing us to make an opening statement. Although we recently celebrated our 52nd wedding anniversary, and we do in general agree on most things, there are matters special to Joan that she can now pass onto this forum. Our submission is focussed on the platform of how can we help the panel answer the question making allegations of corrupt conduct public, is it in the public interest. This will be from a layman's point of view.

We present ourselves as two ordinary older Queensland citizens who unfortunately had to face the consequences of a Queensland Government department's corruption, misconduct, etcetera. Our journey in this matter started in 2010 when Joan and I responded to a call for help from a neighbour who was being brutally assaulted by a group of people. When we reached him he had lost the ability to defend himself and we successfully brought the assault to a halt. We were deemed victims of crime.

For our actions we both received an Australian Governor-General's Bravery Award, the only married couple in the history of the Australian Bravery Awards to receive such an honour for the same action. Four of

the group were closely related to a local senior police officer. The details of the investigation of the assault are fully contained in our submission and I won't cover that. Our treatment since that evening by the Queensland Police Service prompted us to lodge a complaint with our local station Superintendent. We have now been endeavouring to resolve matters associated with their investigation for over six years.

The QPS Ethical Standards Command appointed a Superintendent to investigate our complaint. This took six months. After receiving a written report on the investigation we applied to the Queensland Police Service under Right to Information laws saying that the results of the investigation, via a letter to us, contained false allegations against us, well, Greg and Joan DARLINGTON. Our RTI request was refused using exemptions to the RTI Act. It was not in the public interest and it was not about us, it was about them. We totally refuted these exemptions.

We appealed this decision to the Office of the Information Commissioner and then went through six visits to Queensland Civil and Administrative Tribunal and the courts, finalising in a hearing before a Judge last year. We were denied any information from our files held by the Queensland Police Service. We are currently awaiting a ruling via a complaint to the Premier's Department to take our case to the Supreme Court, Court of Appeal, to obtain RTI for us to see where the Queensland Police Service came up with the false allegations they have made against us.

It is our contention that during the entire process the Queensland Police Service had the ability to be protected from providing any evidence of their false allegations because of exemptions to the RTI Act, thus protecting them from any accountability. Some time ago in our local TV there were promotions for a new program called "How to Get Away with Murder", and one of the principles presented by this lady writing on a board was to discredit the witnesses. This is exactly what has happened to us. And I feel that our submission clearly shows that to be the case with the evidence we have provided to this forum.

The Judge at our final open hearing at QCAT in 2015 indicated in his summing-up that he felt the current law

with the exemptions didn't favour the claimant and should be reviewed. He said he had to rule on law. That is, I assume, the current law. We were denied any access to QPS information that labelled us as the makers of serious criminal allegations against police officers. We never at any time made these totally false allegations against any police officer. One name mentioned we'd never even heard of him. And then we were denied the information from where the QPS allegedly got these allegations. Our submission clearly shows this and other allegations against us lacked any proof or credibility.

What can we in the public do about it? We offer these considerations and observations to the panel. In summary I'd like to express the personal and emotional cost this journey has meant to me and I'm sure Joan will have something to say about this matter also. The panel must wonder why two 70-plus year old retired TPI war and aged pensioners would forego a number of our years of our retirement in trying to clear our names and reputations from false information contained within the QPS records. Joan will have something to say about that in a minute.

Now I say this and I want you to please listen to this. Until you have experienced being on the end of corruption and cover-ups then it is too hard for me to relay to you the emotional and personal degrading effect this can have on you. I will say that again, if I can. Until you have experienced being on the end of corruption and cover-ups then it is too hard for me to relay to you the emotional and personal degrading effects this can have on you. Why did this happen to the DARLINGTONs? Our simple answer is because they could. The Queensland Government departments could. The current laws or the interpretation of the laws allowed them to do what they did to us, discredit the witnesses and refuse the right to information requests by the use of the exemption laws.

Finally, making allegations of corrupt conduct public. Is it in the public interest? And I ask you this. If this was mandatory would Joan and I be in the situation we are currently? Please refer to our submission and I'm sure you could only respond in the negative. Thank you for listening to me and I'll now hand you over to my lovely wife, Joan.

Mr MacSporran QC

Thank you, Mr DARLINGTON. Mrs DARLINGTON.

Mrs Darlington

Thanks, Greg. Firstly, I would like to acknowledge the panel and also thank the Crime and Corruption Commission, and in particular Dr DENNING for inviting us to speak here today. Dr DENNING and her staff have treated us with respect and dignity, and this we appreciate so very much. I have a hearing disability and they have even given me special consideration. Thank you.

Over the last six and a half years we have endured humiliation and disrespect from many Queensland Government departments. I have been threatened, stalked, harassed daily, had property damaged and consequently changed into a different person, as at times I often feared for my safety and my sanity, all this reported but not acted upon. The response we got was to have untrue allegations made against us in a letter sent by the QPS to us on official letterhead. This was very daunting to us, two ordinary older Australian citizens who had absolutely no criminal convictions and back then we had no idea of how the system even worked.

In the last four years, three months, one week and six days since that letter was written to us making criminal accusations against us, we have been caught up in the web of government bureaucracy, trying to get information to clear our names, and once again be cleanskins. During the investigation which took place, and we believe was about us, the investigating officer came to our home to speak with us. He told me that I must be the cleanest person on record, as he said, they dug deep for any information on you and there was nothing. You don't even have a speeding ticket.

In our quest for justice and the truth we have met a number of good, honest police officers who I believe really wanted to help us. They believed in us. We even have letters to back this. But their hands were tied by government laws, exemptions to Acts and even exemptions to exemptions, secrecy and an absolute lack of transparency. Therefore I believe by not making allegations of corrupt conduct public, particularly when it's proved, the general public, the ordinary people, will suffer now and continue to do so in the future, as it is so hard to obtain vital information. And this has a very detrimental effect on your lives.

It was with emotion and distress that we read the Judge's decision after our final QCAT appearance and once again we felt disappointment. Another door had closed. Along the journey we have spoken with so many people and organisations. We thought Civil Liberties may be able to help, but no. We even applied to the Premier's Department for help. But here we did not even get the courtesy of a reply, just the automatic generated acknowledgement of our letter. Then we recently approached a local politician trying to get someone to take up our cause, and he got us an interview with a local solicitor.

We were firstly very excited and after speaking with him for about an hour, in which time he reviewed letters and documents, he acknowledged there were many misdemeanours. But stated there was a good chance we would not get information we required, even through the Supreme Court and it could cost us all we have. This did frighten me, as we have both worked hard throughout our lives to save for our retirement. His advice was to go away and enjoy our retirement, spend it in other ways not chasing justice, because our friends, our children, grandchildren and people who know us know we are good, clean, honest, Christian citizens of Queensland and we don't need to stress ourselves anymore to prove this fact.

He gave me a hug as I left his office and I thanked him and his colleague who had arranged the meeting. I went home in tears, very upset. Once again we had hit a brick wall. Should we listen to his advice? We mulled over his advice for a day or so and then we realised that after thinking about all the wrongs we've had done to us and all the fake accusations made against us, no, we could not do this and just forget about the whole thing. Yes, our family and friends of today all know we are good people. But I'd just like to say to you think of the future. In 100 years time, or even longer, when our great-great-grandchildren are scanning through Ancestry.com or some other updated website they go into to research family, and to their shock they find their ancestors have some sort of criminal record against their names. Of course they have never met Greg and Joan DARLINGTON, as we are long gone to another world. They do not know we were good people who tried to get information and thus justice to clear our names. But because of some misguided, but maybe well-intentioned

laws and legislations, we were denied the information to do so.

I'm sure there would be numerous people listening to this who have researched family history, only to be shocked or disappointed by what they have read about their ancestors and maybe this information would not be true either. We do not want this for our generations, for our future generations. And from some of the submissions I have read, there would be others who feel likewise. We are passionate about our cause and what happened to us. We believe we must stop people from being able to hide behind laws such as the RTI Act of 2009 and the exemptions that go with it. This law was stated to us so many times during our quest for information, well-intended at the time, but wrongly used or misinterpreted by government departments.

As I struggle to understand how we got caught up in this situation, I am currently writing a self-funded, not for sale book. I find writing is good therapy, although at times very upsetting as I relive all the trauma all over again. But my aim is to tell our story and hope that if others find themselves in this predicament, the information may be of assistance to them and give them strength and comfort to fight for the truth and together we may make a difference. To put it simply, we saved a life and we changed ours. And once again I would just like to thank the Crime and Corruption Commission for giving me the time to speak, to air my views and to be a part of this very important forum. And I thank you all.

Mr MacSporran QC

Thank you, Mrs DARLINGTON. Marshall?

Mr Irwin

No. I think they've put their position very clearly.

Mr Bingham

That's helpful. Thank you very much.

Mr Irwin

Yes. Thank you.

Mr MacSporran QC

Can I thank you for coming down and making your opening statements? And can I say, I'm sure I'm speaking on behalf of the entire panel, that I admire your resilience and can I wish you all the best in the future. Thank you for coming.

END OF SPEAKERS