



Crime and Corruption Commission  
QUEENSLAND

# An investigation into allegations relating to the appointment of a school principal

July 2020







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This report is published under section 69 of the *Crime and Corruption Act 2001*.

July 2020

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ISBN: 978-1-876986-91-9

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2 July 2020

The Honourable Curtis Pitt MP  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Speaker

In accordance with Section 69(1)(b) of the *Crime and Corruption Act 2001*, the Crime and Corruption Commission hereby furnishes to you its report – *An investigation into allegations relating to the appointment of a school principal*.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. MacSporran', followed by a long horizontal line extending to the right.

**A J MacSporran QC**  
**Chairperson**

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# Chapter 1

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## Introduction

1. The Department of Education (DoE) is a department of the Queensland Government with its employees engaged under the *Public Service Act 2008*. Most employees are school teachers and school principals but there are also a number of people who hold executive positions.
2. Teachers, principals and senior executives of the DoE are therefore public service employees.
3. The DoE is headed by a Chief Executive, commonly known as the Director-General. The Director-General is responsible for the employment of the teachers, principals and senior executives of the DoE. In turn, the teachers, principals, senior executives and in fact all public service employees of the DoE are responsible to the Director-General in relation to their employment in the DoE.<sup>1</sup> They are not responsible to any Minister. Only the Director-General is responsible to the Minister for Education.
4. Those who work in the public service are required to ensure they comply with the management and employment principles set out in the *Public Service Act*.<sup>2</sup> Notably, public service employment is to be directed towards promoting best practice human resource management.
5. Best practice human resource management is a broad term. It does, however, include the function of recruitment and selection of people into employment, including the recruitment and selection of school principals.
6. Best practice human resource management requires public sector recruitment and selection processes in Queensland to be fair and transparent, and that those appointed to take part in a selection panel conduct themselves in a way that promotes public confidence in public administration.
7. It also requires that Queensland public sector recruitment processes are not undermined, or seen to be undermined, by political influence.
8. This report details an investigation arising from an allegation that the then Deputy Premier interfered in a DoE recruitment process. It sets out how some of those involved in a process conducted by the DoE to select a principal for a new school failed in promoting best practice human resource management. It exposes how one senior public servant's over-responsiveness to a politician resulted in decision-making being infected by perceived political influence, and how that politician allowed herself to be involved in departmental decision-making processes.
9. The report details a lack of transparency and a willingness to manufacture information to support a decision after the event, involve others in the deception, and prevail upon others to destroy a record relating to the deception.

## The CCC's jurisdiction

10. The Crime and Corruption Commission (CCC) has the responsibility to investigate matters that may involve corrupt conduct by anyone who holds an appointment in the DoE. A person holds an appointment in the DoE if they hold any office, place or position in that unit, whether the appointment is by way of election or selection.<sup>3</sup>

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1 *Public Service Act 2008*, s. 11.

2 *Public Service Act 2008*, s. 25.

3 *Crime and Corruption Act 2001*, s. 21.



11. “Corrupt conduct” is defined in section 15 of the *Crime and Corruption Act 2001* (CC Act). That effectively defines the CCC’s corruption jurisdiction.<sup>4</sup> In order to be corrupt conduct, it must be conduct which, if proved, would be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.<sup>5</sup>
12. For elected officials, such as the then Deputy Premier, conduct cannot be corrupt conduct unless it constitutes a criminal offence.

### **The decision to investigate**

13. The CCC does not investigate all complaints it receives. All action which the CCC takes must be in pursuit of its statutory functions and purposes. Primarily these are to combat and reduce the incidence of major crime, and to continuously improve the integrity of, and reduce the incidence of corruption in, the public sector.<sup>6</sup>
14. This is to be achieved by the CCC, amongst other things, investigating corrupt conduct, particularly more serious cases of corrupt conduct,<sup>7</sup> and helping units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so.<sup>8</sup>
15. Corruption involving elected officials has been a strategic area of focus for the CCC since 2018, thereby informing its decision on 19 December 2019 to commence this investigation.
16. The decision to investigate was not made public until 9 May 2020 due to operational reasons.
17. This investigation was not simple. It involved the utilisation of various investigative methodologies executed in circumstances where the allegations were in the public domain. Such a situation is less than ideal and can impede investigations, as those who may be subject to the investigation are, you might say, “put on alert” and may seek to prepare their “story” or destroy evidence. Having made that general observation, with the exception of the deletion of an email, discussed later in this report, the CCC found no evidence of an attempt by any of the parties to destroy evidence.

### **Why make this report public**

18. The CCC does not publish reports on every matter it assesses or investigates. The decision as to whether, when and how to report on the outcome of a CCC investigation is informed by a variety of factors.
19. The decision about what to report and how to report it is informed primarily by the CCC’s core functions, and the considerations in section 57 of the CC Act.
20. Section 57 of the CC Act requires the CCC to, at all times, act independently, impartially and fairly, having regard to the purposes of the CC Act and the importance of protecting the public interest.
21. The CCC has decided that the public interest is best served by publication.

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4 Except for matters of police misconduct, which are included within the corruption jurisdiction, although police misconduct may not necessarily amount to corrupt conduct.

5 *Crime and Corruption Act 2001*, ss. 15(1)(c), 15(2)(c). For some office holders such as members of parliament, whose services may not be “terminated”, this effectively limits the jurisdiction to matters which would, if proved, be a criminal offence.

6 *Crime and Corruption Act 2001*, s. 4.

7 *Crime and Corruption Act 2001*, s. 35(3).

8 *Crime and Corruption Act 2001*, s. 5(3).



22. The Queensland Parliament, of which the former Deputy Premier is a member, is entitled to know whether or not she has committed a criminal offence. They are also entitled to know whether or not she has directly or indirectly, intentionally or otherwise, actually exerted a level of influence over DoE decision-making in relation to the appointment of a school principal.
23. The complainants, Minister Grace, DoE staff, applicants for the principal positions and the general community are entitled to know what occurred during the recruitment processes for the principal at the Inner City South State Secondary College (ICSSSC), especially since there has been significant public commentary on these matters.
24. Moreover, this report is a corruption risk report for the benefit of all units of public administration and public sector employees who are involved in recruitment processes.
25. The report seeks to encourage them to conduct themselves in a way that promotes public confidence in public administration and to ensure that Queensland public sector recruitment processes are not undermined, or seen to be undermined, by inappropriate political influence.
26. If senior officers in the DoE have engaged in conduct that has fundamentally undermined the accountability and transparency of a recruitment and selection process leading to the perception of influence by a politician to take certain actions, this does nothing to reinforce the Westminster system of government or the management and employment principles set out in the *Public Service Act*. We have more to say about the culture of the DoE later in this report, however, it appears that the DoE has not learnt from previous failings, including a serious matter five years ago.
27. On 1 December 2015 a former Director-General of the DoE pleaded guilty in the Brisbane District Court to the criminal charge of abuse of office in relation to the employment of a family member in her department. She was sentenced to six months imprisonment, which was wholly suspended, and ordered to repay \$17,000 to the Queensland Government.
28. The CCC has said in the past that the public sector has obligations to the Queensland public to act with integrity and to make transparent and accountable decisions. Where those decisions relate to employment it is vital that they are based on merit and equity. Those involved in making these decisions are expected to do so free from influence from politicians.
29. Setting a high standard for the behaviour of public servants must start at the top echelon of every public sector agency. Just as the court outcome five years ago demonstrated, those whose behaviour deviates from the obligation to act with integrity and to serve the public interest are not immune from serious consequences.
30. It should be noted, as foreshadowed above, that the publication of this report is designed to expose systemic failures of governance, transparency and accountability in the public sector. The CCC has made comments on the evidence in order to properly articulate aspects of the concerning failures identified. Nothing this report has to say about the evidence by way of such comment constitutes factual findings which would bind any other entity called upon to assess the evidence uncovered in this investigation.
31. Importantly, we have provided a confidential report to the Chief Executive of the Public Service Commission together with all relevant evidence gathered in order that he may consider whether disciplinary action, if any, should be taken against any individuals identified. Should such action be taken, those individuals will of course have a further opportunity to deal with any such allegations so made.



## The Human Rights Act

32. The CCC must also act in accordance with the *Human Rights Act 2019* (the HR Act) and must not act or make a decision in a way that is not compatible with human rights or, in making a decision, fail to give proper consideration to a human right relevant to the decision.<sup>9</sup>
33. The CCC acknowledges the publication of this report is likely to engage human rights in relation to equal protection of the law without discrimination,<sup>10</sup> taking part in public life,<sup>11</sup> and privacy and reputation.<sup>12</sup> Having regard to the clear statutory basis and reasons for the publication of this report, together with the measures adopted to ensure fairness with respect to the content of the report,<sup>13</sup> the CCC considers the decision to publish the report is compatible with human rights in that it limits human rights only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act.<sup>14</sup>

## Procedural fairness process

34. As mentioned above, the CCC has a statutory duty to act independently, impartially and fairly, in the public interest, having regard to the purposes of the CC Act, and in accordance with the HR Act. Accordingly, for the purpose of procedural fairness, the CCC gave the draft report (or relevant parts of it) to people and organisations referred to in it (whether those people or organisations were specifically identified or not) where those references may be viewed as adverse, and invited them to make submissions prior to the CCC determining the final form of the report. Respondents could provide confidential or non-confidential submissions. The CCC indicated to respondents that non-confidential submissions may be annexed to the final report, while confidential submissions would be noted as received but not attached to the final report. We have published submissions from five respondents. A redacted copy of these submissions is included in Annexure 7.

## Caution regarding the drawing of adverse inferences

35. A number of people and organisations are referred to in this report. In all instances, those people and organisations cooperated with the investigation. No adverse inferences should be drawn about those people and organisations, unless the report specifically attributes wrongdoing to the person.
36. The report deals with two selection processes. No adverse inferences should be drawn about any applicant in the processes. No wrongdoing by any applicant was detected during the CCC's investigation.

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9 *Human Rights Act 2019*, s. 58.

10 *Human Rights Act 2019*, ss. 4, 15(3).

11 *Human Rights Act 2019*, s. 23.

12 *Human Rights Act 2019*, s. 25.

13 Including revealing the identity of relevant persons only when it is necessary to understand and/or give context to the report; the procedural fairness process; and the inclusion of the content set out under the heading "Caution regarding the drawing of adverse inferences".

14 *Human Rights Act 2019*, s. 8(b).



## Chapter 2

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### The complaints

37. The CCC received three complaints directly concerning a recruitment process conducted by the DoE.
38. A complaint was received by the CCC in late November 2019. The complaint alleged that the Deputy Premier and Treasurer of Queensland<sup>15</sup> had interfered in a DoE recruitment process. The complaint was articulated in an anonymous, typed letter which was forwarded to the CCC by Mr Jarrod Bleijie MP, Member for Kawana and Shadow Minister for Education, Shadow Minister for Industrial Relations, and Manager of Opposition Business (the Member for Kawana). The anonymous letter read:
- Is the LNP aware that Jackie Trad has interfered in the selection process for the Principal of the new inner city high school at Dutton Park? Approximately two months ago a panel chaired by the Department of Education selected the new Principal which was awarded to [Principal A].<sup>16</sup> Shortly afterwards [Principal A] was forced to meet with Jackie Trad in her office alongside the Panel Chair [name suppressed] from DOE. Shortly after this the position was readvertised and a different person was awarded the position of Principal approximately a month ago. MP's [sic] are not part of the selection process for Principals.*
39. An earlier complaint received by the CCC in early November 2019 was also anonymous but was made directly to the CCC. It contained the above-mentioned allegation, and an additional allegation that the Panel Chair, and a DDG, DoE conspired to conceal the Deputy Premier's interference to undermine the recruitment and selection process for the Principal of the ICSSSC. This complaint contained the detail that the Deputy Premier had said "No way" in relation to Principal A.
40. A further complaint was received in May 2020. This complaint, received from the Member for Kawana, noted that the Deputy Premier met candidates at the request of the DoE, asserted that such a request would not have been made by the DoE without the Minister for Education's knowledge and consent, and stated that "it goes without saying that the Minister for Education may be implicated in this investigation".

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15 Although the former Deputy Premier has since resigned from that position, she will be referred to as "the Deputy Premier" throughout this report as it was the position she held at the time of the events being investigated.

16 In this report, the successful applicant for the original principal recruitment process is referred to as "Principal A".



## Relevant persons including positions held

### Director-General

41. The Director-General of the DoE is responsible for the employment of the teachers, principals and senior executives of the DoE.
42. The Director-General is responsible to the Minister. All other public service employees in the DoE are responsible to the Director-General.
43. The Director-General has the ability to determine that a school be allocated an Executive Principal.
44. The Director-General was not the decision-maker for the Band 11 Principal process.
45. The Director-General was the decision-maker for the Executive Principal process.
46. In this report the Director-General is referred to as the DG.
47. The DG gave an oral statement of information to the CCC.

### Deputy Director-General

48. There is a Deputy Director-General (Corporate Services) in the DoE.
49. The DoE website states that the Deputy Director-General has previously held a number of senior executive positions during a career of more than 31 years in the DoE.
50. As Deputy Director-General (Corporate Services) he is responsible for the department's corporate procurement, finance, human resources, information technologies and infrastructure services functions.
51. The Deputy Director-General advised the CCC that he was the Senior Responsible Owner of the State Government's Building Future Schools Program, which included the creation and development of the ICSSSC in the electorate of the Deputy Premier.<sup>17</sup>
52. Even though the Deputy Director-General was the Senior Responsible Owner of the Building Future Schools Program, he was not on the selection panel for the recruitment process for either the Band 11 Principal or the Executive Principal process.
53. In this report the Deputy Director-General is referred to as the DDG.
54. The DDG was examined by the CCC and also provided a written statement.

### Regional Director, Metropolitan Region

55. There is a Regional Director, Metropolitan Region in the DoE.
56. The Regional Director was the Chair of the selection panel for the Band 11 Principal process and for the Executive Principal process.
57. In this report the Regional Director is referred to as the Panel Chair.
58. The Panel Chair was examined by the CCC and also provided a written statement.

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<sup>17</sup> Statement of the DDG – page 2, [5] and [6]; page 3 [12], [13] and [16]





### **The Vice-Chancellor, University of Queensland**

- 59. The Vice-Chancellor was a member of the selection panel for the Band 11 Principal process and the Executive Principal process.
- 60. The Vice-Chancellor was examined by the CCC and also provided a written statement.

### **President of the Queensland Secondary Principals' Association**

- 61. The President was a member of the selection panel for the Band 11 Principal process and the Executive Principal process.
- 62. The President gave an oral statement of information to the CCC.

### **General Secretary of the Queensland Teachers' Union**

- 63. The General Secretary was a member of the selection panel for the Band 11 Principal process and the Executive Principal process.
- 64. The General Secretary gave an oral statement of information to the CCC.

### **President of the Parents and Citizens' Association Queensland**

- 65. The President was a member of the selection panel for the Band 11 Principal process and the Executive Principal process.
- 66. The President gave an oral statement of information to the CCC.

### **Acting Deputy Director-General**

- 67. The Acting Deputy Director-General is a public service employee. He was appointed to act as Deputy Director-General (Corporate Services) while the DDG was on leave.
- 68. The Acting Deputy Director-General attended the meeting with the Deputy Premier on 14 March 2019.
- 69. The Acting Deputy Director-General gave an oral statement of information to the CCC.

### **Principal Advisor**

- 70. The Principal Advisor is a public service employee.
- 71. The Principal Advisor reports to the DDG.
- 72. The Principal Advisor attended the meeting with the Deputy Premier on 14 March 2019.
- 73. The Principal Advisor was interviewed by CCC investigators.



### **Assistant Director-General, Infrastructure Services (ADG,IS)**

- 74. The ADG,IS is a public service employee.
- 75. The ADG,IS reports to the DDG.
- 76. The ADG,IS had no involvement with the recruitment processes for the principal positions for the ICSSSC.
- 77. The ADG,IS position is to ensure the building of the ICSSSC is completed on time and within budget, and liaise with construction stakeholders.
- 78. The ADG,IS was examined by the CCC.

### **Executive Director, Human Resources DoE**

- 79. The Executive Director, Human Resources in the DoE was the delegate of the Director-General with authority to approve the recommendation of the selection panel in the Band 11 Principal process.
- 80. The Executive Director, Human Resources approved the recommendation of the selection panel in the Band 11 Principal process to appoint Principal A.
- 81. The Executive Director, Human Resources was interviewed by CCC investigators.

### **Principal A**

- 82. Principal A was the person recommended by the selection panel and the person approved to be appointed to the position of principal from the Band 11 Principal process.
- 83. Principal A was never offered the position of principal from the Band 11 Principal process.
- 84. Principal A gave an oral statement of information to the CCC.

### **Principal B**

- 85. Principal B is the person appointed as Executive Principal of the ICSSSC.
- 86. Principal B was interviewed by CCC investigators.

### **Ms Jacklyn Trad MP**

- 87. Ms Trad is the member for South Brisbane.
- 88. Ms Trad was the Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships from 12 December 2017 to 10 May 2020.
- 89. The ICSSSC is in Ms Trad's electorate of South Brisbane.
- 90. Ms Trad was not a member of the selection panel for the Band 11 Principal process or the Executive Principal process.
- 91. In this report Ms Trad is referred to as Deputy Premier, the position she held at the relevant time.
- 92. Ms Trad was examined by and provided written submissions to the CCC.



### **The Honourable Grace Grace MP**

93. Ms Grace is the member for McConnel.
94. Ms Grace has been the Minister for Education and Minister for Industrial Relations since 12 December 2017.
95. The Inner City North State Secondary College (ICNSSC), located in Fortitude Valley, is in Minister Grace's electorate of McConnel. It has a Band 11 Principal.
96. Ms Grace was not a member of the selection panel for the Band 11 Principal process or the Executive Principal process at the ICSSSC.
97. Ms Grace was not a member of the selection panel for the principal for the ICNSSC.
98. In this report, Ms Grace is referred to as Minister Grace.
99. Ms Grace was interviewed by CCC investigators.



## Chapter 3

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### The Band 11 Principal selection process

#### The new school

100. In July 2017, the Queensland Government established a five-year \$500 million Building Future Schools Program to support growing communities in inner-city Brisbane. Under this program, the new ICSSSC was established. It is scheduled to open in 2021.
101. The establishment of the ICSSSC is intended to service the growing communities in and around Brisbane's inner south and relieve enrolment pressures on the existing network of inner Brisbane secondary schools.
102. The first intake of Foundation Year 7 students is expected at the start of Term 1, 2021, and its curriculum will be delivered in collaboration with the University of Queensland (UQ).<sup>18</sup>

#### A Band 11 Principal or an Executive Principal – the importance of enrolment numbers

103. The *Department of Education and Training State School Teachers' Certified Agreement 2016* (the 2016 CA) was certified by the Queensland Industrial Relations Commission on 5 October 2016 and operated from 1 July 2016 to its nominal expiry date of 30 June 2019.
104. The 2016 CA provided for the prescription of Stream 3 School Leaders.
105. Stream 3 School Leaders are those employees who hold the leadership positions of Deputy Principal, Principal or Executive Principal.
106. Stream 3 within the 2016 CA prescribed the classification, remuneration and increment progression arrangements for School Leaders.
107. The highest classification for a Principal under the 2016 CA is Band 11.
108. The 2016 CA provided for arrangements for the engagement of Executive Principals. It provided that a Director-General may engage an Executive Principal for a **school which has fewer than 1600 enrolments for a special purpose** as determined by the Director-General. [emphasis added]
109. The 2016 CA provided that Executive Principals' additional employment conditions (including monetary and non-monetary incentives) were to be provided in an instrument of appointment made under the provisions of the *Public Service Act 2008*<sup>19</sup> with the balance of employment conditions provided for under the 2016 CA.
110. The DoE website states the following in relation to Pay and Benefits payable:

*After you've been teaching for a while, you can apply to become a senior teacher and continue working in the classroom. If leadership is something you aspire to, you could work your way up to a range of leadership roles, including Head of Department (Curriculum) through to Principal. As the leaders of our largest and most complex schools, Executive Principals are paid a base salary of approximately \$170,000 per year.*<sup>20</sup>

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18 <https://qed.qld.gov.au/programs-initiatives/det/building-education/new-schools-for-2021/inner-city-south-state-secondary-college>.

19 A contract under section 122 of the *Public Service Act 2008* is generally the instrument used.

20 <https://teach.qld.gov.au/teach-in-queensland-state-schools/pay-benefits-and-incentives/pay-and-benefits> accessed on 10 June 2020.



## The 2018 Briefing Note

111. Despite the decision made by the previous Director-General to nominate two Executive Principal positions for these new schools, on 14 May 2018, the current DG signed a briefing note endorsed by the DDG approving the establishment and advertising of two Band 11 Principal positions – one for the ICSSSC and the other for the ICNSSC (see Annexure 1).
112. In relation to the classification for the principal for the ICSSSC, the DDG stated:

**CCC:** ... were you the delegate responsible for keeping the Deputy Premier informed in relation to that process?

**DDG:** ... with Counsel's indulgence can I tell a bit of the back story? The back story goes to the heart of the fact that these partnership schools were first mooted back in 2017.

As part of the establishment of the Building Future Schools Fund and program governance, I pitched the then Director General, then Minister and I pitched to the Vice Chancellors of UQ and QUT at the time that these schools would go forward with Executive Principals, I'm not sure that you're familiar with the structure or the strata of principalship classification but the highest classification is an Executive Principal, the second highest is what's referred to as a Band 11 Principal position.

At that time I was promoting the fact that if we're going to invest a lot of money in these two vertical schools then we should also invest in the leadership potential of the school, because I had seen over many years that we didn't always get the strength of leadership for new school communities, so I was keen to promote that we go forward with the highest level of principal classification. That had been discussed with the Vice Chancellors as I indicated, and that was approved by EMB, the Executive Management Board at the time. ...

In 2018, it came time to advertise the Inner City North Principal's position, and it was apparent then that the capacity of that particular school was unlikely to meet the threshold of 1600 students which was the threshold for an Executive Principalship at that time.

So I effectively recommended back to the Executive Management Board then that we take the two positions out as Band 11s, noting that at that time Inner City South probably didn't have land acquired at that time, but with the notion that we were limited by land assets and what the build footprint would be or could accommodate.

So I proposed that we take forward Band 11 classifications as opposed to my previous proposal to the Executive Management Board that Executive Principals go forward. There is a significant difference somewhere in the vicinity of \$30,000 difference between the pay grades if I can use that terminology in that they get a car allowance and a higher classification of pay. So we did proceed with Band 11 on the north side and there was a little objection from QUT in relation to that particular classification or appointment process.<sup>21</sup>

<sup>21</sup> Transcript of hearing of the DDG – page 13, line 20 to page 14, line 12.



113. The DDG also stated:

**DDG's legal representative:** And your decision on the Band 11 issue is an example of that,<sup>22</sup> isn't it?

**DDG:** As I put to Counsel Assisting I, the easy thing to have done was to proceed with the Executive Principal as I had first put to the Executive Management Board back in mid-2017. As I indicated earlier, I believe that wasn't the right thing to do given that the parameters had somewhat changed and we weren't able to achieve the threshold of the builds at that time, and in the case of Inner City South later to achieve that it was able to be achieved given the nature of the construction project and land availability that we're able to secure, so to your point, yes it would've been easy for me just to have proceeded with an Executive Principal, and corrupted the system of classification of and remuneration of like sized Principals, I chose the more difficult path I suppose, to argue with QUT and UQ about the rationale for why we were going out with a Band 11 given the size and nature of the projects.

**DDG's legal representative:** That was really taking a broader, proper whole of department view?

**DDG:** That's what that was my motivation there, no other motivation than to try and keep the system of principal classifications hanging together and to avoid criticism that, just because schools are in Ministers' and Deputy Premier's electorates that they get increased classification.<sup>23</sup>

114. The briefing note approved the advertisement of the Band 11 Principal position for ICSSSC to occur in the first half of 2019 with appointment to commence by the end of Term 2 of 2019.
115. The briefing note recommending the advertising of the Band 11 Principal position is important.
116. It is important because prior to this time, it was understood by most, if not all stakeholders, that the Principal position would be at the Executive Principal level, a position higher than Band 11.
117. A Band 11 Principal on the highest pay point was paid an annual salary of \$162,677 as at 1 July 2018. As stated on the DoE website, Executive Principals are paid a base salary of approximately \$170,000 per year.
118. The briefing note to the DG provided the following reasons for the appointment of Executive Principals for the ICSSSC and the ICNSSC no longer being the preferred approach:

**12 – the new inner city schools will open with up to 200 Year 7 students and grow by one year level cohort each year to an anticipated total student population of 1500 after six years. This total student enrolment figure is below the 1600 student enrolment threshold detailed in the current Teaching in State Education Award – State 2016, where consideration would usually be given to the engagement of an Executive Principal;**

**– the Department of Education and Training and State School Teachers' Certified Agreement 2016 does allow the Chief Executive to engage an Executive Principal in a school of fewer than 1600 enrolments for a special purpose, however this provision is currently only applied to a small number of sites where the complex nature of the role has required an Executive Principal to be appointed. Special purpose Executive Principal positions include Aurukun State School, Mornington Island State School and the Lady Cilento Children's Hospital School.**

**– the creation of two Executive Principal positions will add additional Senior Executive Service (SES) positions to the department's SES profile and will require Public Sector Management Commission approval at a time when the increasing number of Public Service SES positions are being scrutinised through government processes and by the media.**

22 "An example of that" is a reference to the DDG's statement that he "knew where the line sits between the Executive Government and the administrative government ... and to appropriately deal with, ... I make decisions wherever possible that acknowledge those respective roles". Transcript of hearing of the DDG – page 102, line 47 to page 103, line 3.

23 Transcript of hearing of the DDG – page 103, lines 5 to 26.



**13. The establishment of the Principal (Band 11) provides an opportunity to attract a quality applicant pool to ensure appropriate school leadership and community engagement to develop positive partnerships critical to the success of the schools' agendas. It is proposed the roles be advertised nationally at the Band 11 Principal level. ...**

[emphasis added]

## Recruitment process for Band 11 Principal

### January–February 2019

119. This section details the relevant events which occurred during January and February 2019 and the evidence provided to the CCC about those events.
120. On 24 January 2019 the Band 11 Principal position was advertised.
121. The DDG commenced leave on 27 January 2019 and was scheduled to return on 18 March 2019.
122. On 29 January 2019, two days after the commencement of the DDG's leave, the Vice-Chancellor called him questioning why the principal position was not proceeding at the Executive Principal level.
123. When examined by the CCC, the DDG stated the Vice-Chancellor:

**believed he had been promised or that the [DoE] had promised, I had promised him...the former Minister and the former Director-General had promised an Executive Principal**<sup>24</sup> would be appointed to the ICSSSC and that if DoE did not honour this commitment, the Vice-Chancellor considered it as **"almost a betrayal"**.<sup>25</sup> [emphasis added]

124. The DDG stated he explained to the Vice-Chancellor that at that stage achieving the 1600 student enrolment threshold to support a principal at Executive Principal level did not appear to be likely and the Executive Principal classification *"may not be appropriate"*.<sup>26</sup>
125. The DDG stated he informed the Vice-Chancellor that if the school exceeded the 1600 threshold, then the ICSSSC principal could become an Executive Principal.<sup>27</sup>
126. Applications closed for the Band 11 Principal on 7 February 2019.
127. On 12 February 2019 the Deputy Premier and the Vice-Chancellor had lunch at Parliament House. The Deputy Premier told the CCC the Vice-Chancellor initiated the lunch.
128. The Deputy Premier said that the primary topic discussed was a proposal by UQ to establish a research and commercialisation incubator precinct at the Boggo Road site.
129. She said that the conversation then evolved into discussing the classification level of the ICSSSC principal and that she only became aware the principal position was not classified at the Executive Principal level at this lunch.
130. She said she always understood that both the ICSSSC and the ICNSSC would have Executive Principal level positions. She said that this understanding came from previous conversations she had had with the former Minister for Education.

24 Transcript of hearing of the DDG – page 14, line 14.

25 Transcript of hearing of the DDG – page 26, lines 46.

26 Transcript of hearing of the DDG – page 14, line 33.

27 Transcript of hearing of the DDG – page 14, line 39.



131. The Deputy Premier stated the Vice-Chancellor deserved the courtesy of making enquiries with Minister Grace because *“his institution was in a partnership with the Education Department around the delivery of this school so I thought it was evident that he was due an answer”*.<sup>28</sup>
132. The Deputy Premier stated she asked Minister Grace why the principal was not at Executive Principal level and *“conveyed to [Minister Grace] that she and [the Vice-Chancellor] had both understood that the intention was for the principal to be at executive level”*.<sup>29</sup>
133. The Deputy Premier recalls Minister Grace saying she thought it would be at Executive level and was not sure what had happened and *“let me get back to you”*.<sup>30</sup>
134. The Deputy Premier recalls Minister Grace intimating that she had thought the principal at the ICNSSC would be at Executive level as well.<sup>31</sup>
135. The Deputy Premier stated she recalled Minister Grace saying she did not have the relevant information at hand and that she would ask for the relevant information regarding DoE’s decision-making on the matter.<sup>32</sup>
136. The Deputy Premier stated she did not recall whether Minister Grace got back to her with information or to the Vice-Chancellor which the Deputy Premier stated was her preference *“because I had committed to [the Vice-Chancellor] someone would get back to him”*.<sup>33</sup>
137. The Deputy Premier stated she did not know if anyone provided information to the Vice-Chancellor.<sup>34</sup>
138. When interviewed, Minister Grace stated that she did not recall giving an undertaking to the Deputy Premier to make enquiries with DoE as to why the position was not going to be advertised at Executive Principal level. She stated, *“that’s all for the Department to determine”*.<sup>35</sup>
139. At the time of the lunch on 12 February 2019, the Vice-Chancellor had not received the applications for the Band 11 Principal process.
140. On 18 February 2019 applications for the Band 11 Principal process were sent to the panel members.

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28 Transcript of hearing of the Deputy Premier – page 79, lines 21-32.

29 Submission of the Deputy Premier dated 24 April 2020 – page 6.

30 Transcript of hearing of the Deputy Premier – page 20, line 44 to page 21, line 5.

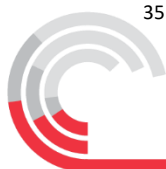
31 Transcript of hearing of the Deputy Premier – page 21, line 14.

32 Submission of the Deputy Premier dated 24 April 2020 – page 6.

33 Transcript of hearing of the Deputy Premier – page 22, line 24.

34 Transcript of hearing of the Deputy Premier – page 23, line 10.

35 Transcript of Minister Grace – lines 1558-1559.





## March 2019

### The selection panel

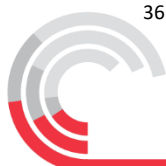
141. The selection panel formed to conduct the selection process for the Band 11 Principal process comprised the following:
- the DoE Regional Director, Metropolitan Region (the Panel Chair)
  - the President of the Queensland Secondary Principals' Association
  - the General Secretary of the Queensland Teachers' Union
  - the President of the Parents and Citizens' Association Queensland
  - the Vice-Chancellor of UQ.
142. A similar process had been run for the selection of a foundation principal for the ICNSSC. The selection panel was constituted with the same Panel Chair and the same representative of the Queensland Secondary Principals' Association. The ICNSSC panel included the Vice-Chancellor of the Queensland University of Technology. Representatives from the Queensland Teachers' Union and the Parents and Citizens' Association Queensland were also on the ICNSSC panel but they were different individuals from those on the ICSSSC panel. The ICNSSC process proceeded without allegations of political influence or the appearance of political influence.

### Friday 1 March 2019

143. The panel met on 1 March 2019 to shortlist the 11 applications received.
144. Applicants were shortlisted on their demonstrated and proven experience in:
- *Leadership of a curriculum, teaching and learning environment to achieve quality learning outcomes;*
  - *Strong interpersonal skills and capacity to develop and sustain productive relationships within and beyond the ICSSSC;*
  - *Strategic thinking and analytical skills to influence the educational agenda for state schooling;*
  - *Managing human, financial and physical resources; and*
  - *Developing an organisational culture based on ethical professional and personal behaviours and corporate values.*
145. In a signed statement to the CCC, the Panel Chair stated:
- During this meeting, I made it clear to the panel that if a suitable applicant was not identified through this process we did not have to appoint, we could readvertise and run the process again. This possibility is not an uncommon observation for a panel and is normal for any recruitment process.<sup>36</sup>*
146. The panel members stated that during the shortlisting meeting, the Vice-Chancellor raised his disappointment that the position was advertised at a Band 11 level rather than at the Executive Principal level.

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<sup>36</sup> Statement of the Panel Chair – page 2, [12].



147. The panel members stated the Vice-Chancellor said he was assured the ICSSSC would have a principal at Executive Principal level and *“would follow that up with the local member”*.<sup>37</sup>
148. Two panel members stated the Vice-Chancellor had commented on occasion about his association with the Deputy Premier and him having dealings with her.<sup>38</sup>
149. The Vice-Chancellor is stated to have openly commented that *“we [UQ] do not want to see this venture fail on the back of a poor leader”*.<sup>39</sup>
150. The panel members stated they also queried why the position was not advertised at the Executive Principal level.
151. The panel members stated there was a discussion that the ICSSSC needed a strong leader to compete with Brisbane State High School and establish partnerships with UQ and other institutions.
152. The panel agreed to interview four applicants.
153. The panel determined the interview process and questions for the applicants at interview.<sup>40</sup>
154. In addition to the written application, the panel agreed the assessment process would consist of a 45-minute interview that involved a 10-minute presentation outlining the applicant’s vision for the ICSSSC.
155. The panel also decided to obtain referee reports for each candidate before the interviews were conducted. This is not uncommon practice and is quite often done to assist in the efficiency of the process, that is, to progress the recommendation to the delegate soon after the interviews are completed and the selection report is drafted. As you will see below, this is what happened. The selection report was approved seven (7) working days after the interviews were conducted.
156. The idea that the Deputy Premier should meet Principal A was never discussed by the selection panel but emerged some time later.
157. The DoE *Principal recruitment – selection overview and standards of practice* and its *Recruitment and Selection Standards of Practice – Principal Recruitment* set out the process, selection panel responsibilities and the document retention requirements for Principal recruitment. These documents are attached at Annexure 2.

## Interviews

### Wednesday 6 March 2019

158. On 6 March 2019 the panel interviewed the four shortlisted applicants.
159. Prior to the interviews, each of the four applicants was advised of the interview format, the interview focus questions and the names of the panel members. They were also given a copy of the Education Brief.

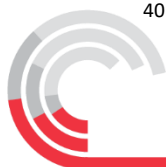
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37 Transcript of NTD interview of panel member – page 20, line 900 to page 21, line 942.

38 Transcript of NTD interview of panel member – page 35, line 1612 to page 36, line 1624; Transcript of NTD interview of panel member – page 54, lines 2520-2522; page 59, lines 2735-2736.

39 Transcript of NTD interview with panel member – page 20, line 883-884.

40 Statement of the Panel Chair – page 2, [12].



160. The Education Brief, titled *The Inner City South State Secondary College (Creating Change Leaders)*, is a publication by the Building Future Schools Program and sets out its purpose in section 1.3:

*The Education Brief provides a blueprint for the school and informs how the DoE will work with UQ and the local community to design and deliver an exceptional learning precinct for 21<sup>st</sup> century learners. It outlines the design and operational principles that underpin learning, the pedagogical focus, creative use of space, and partnerships with students, families, local community and UQ. This Education Brief will inform the design phase of the school precinct, and its connection to the community, UQ, and local businesses. Importantly, this Education Brief is designed to inform the recruitment of the inaugural Principal who will be pivotal in making the exciting vision for the ICSSSC a reality.<sup>41</sup>*

161. The DoE's vision is for the:

*ICSSSC to be recognised nationally and internationally as innovative, inclusive and engaged in providing a high quality, holistic learning environment for all students through future-focused learning, future-focused teachers and future-focused learning environments.<sup>42</sup>*

162. One of the central themes in the Education Brief is the focus on developing and maintaining strong partnerships with UQ and the local community.
163. The panel, during both the shortlisting and the interview processes, considered each of the applicants' ability to develop and maintain strong relationships with internal and external stakeholders.
164. The panel's examination of the applicants' engagement with stakeholders is evident in the selection report which the CCC has examined.
165. As stated earlier in this report, the selection report did not mention a further assessment method of meeting with stakeholders such as the Deputy Premier.
166. Each panel member, including the Panel Chair, signed the selection report recommending the appointment of Principal A.
167. Each of the panel members told the CCC that when considering the most meritorious applicant, there was a discussion on the quality of the applicants and the selection report provides a comparative assessment of each candidate.
168. The panel recommended Principal A for this position. By signing the selection report, each of the panel members recommended Principal A be appointed as the only meritorious candidate for the position.<sup>43</sup>
169. One panel member recalled the Vice-Chancellor specifically being asked whether he was comfortable and felt that Principal A was the right person. He responded "*they're good enough*" and indicated UQ would offer support and mentoring.
170. The Panel Chair signed the report on 8 March 2019.
171. The Vice-Chancellor signed the report on 10 March 2019.
172. The President of QSPA and the General Secretary of QTU signed the report on 12 March 2019.
173. The President P&C Qld signed the report on 13 March 2019.

41 The Inner City South State Secondary College (*Creating Change Leaders*) Education Brief – page 5.

42 The Inner City South State Secondary College (*Creating Change Leaders*) Education Brief – page 3.

43 Selection Report for the appointment of Principal A submitted on 13 March 2019.



## Tuesday 12 March 2019

174. On 12 March 2019 the following exchange of text messages occurred between the Deputy Premier and an employee of her electorate office (EO) about an upcoming meeting on 14 March 2019 with the DoE:

**EO at 10:39am:** FYI – [Minister Grace] will likely be giving you a call shortly regarding the recently completed preliminary designs for the new high school. [Assistant Director-General, Infrastructure] just rang to update and we’ve requested info from her office.

**EO at 1:25pm:** Are you happy for me to organise a briefing from Dept at 1pm this Thursday at EO?

**Deputy Premier at 1:25pm:** I thing [sic] that would be good. **I also want a briefing on the principal recruitment** and what’s happening with other master planning for local schools.

**EO at 1:25pm:** Absolutely. Will include in agenda. [Unrelated matters discussed]. [emphasis added]

175. The Deputy Premier gave evidence in relation to this text message that the timing of the appointment of the Principal for the school was a significant milestone.<sup>44</sup>
176. At 2:00pm, the Principal Advisor to the DDG emailed the Deputy Premier’s electorate office. That email stated (in part):

Dear [Electorate Officer]

..

To confirm, the principal interview panel completed the interviews for the ISCSSC [sic] foundation principal last week, and the appointment is in the process of being approved by the department.

This will present an opportunity very shortly for a joint announcement to reveal the name of the foundation principal for this pivotal position which will lead the direction of this new college for the inner south community.

Ends....

177. At 2:39pm, the Principal Advisor advised Minister Grace’s office of the meeting to be held between DoE staff and the Deputy Premier on 14 March 2019. The agenda for this meeting included:

- Inner City South SSC draft concept master plan and schematic designs;
- Update on the Inner City South SSC Foundation principal appointment; and
- Update on each of the Masterplans for the state schools within the South Brisbane Electorate.

<sup>44</sup> Transcript of hearing of Deputy Premier – page 81, line 48 to page 82, line 28.

178. In preparation for the meeting on 14 March 2019, the Principal Advisor sought information from the Panel Chair's office concerning the appointment of the Band 11 Principal. At 3:39pm, the Principal Advisor emailed the Panel Chair. That email stated (in part):

*I have provided initial advice to our Minister's office and the Deputy Premier's office that the Metro region has completed the interviews for the ICSSSC foundation principal last week, and the appointment is in the process of being approved by the department.*

*I have flagged with them this will present an opportunity very shortly for a joint announcement to reveal the name of the foundation principal for this pivotal position which will lead the direction of this new college for the inner south community.*

*The department along with the Minister's office will be meeting with the Deputy Premier this Thursday - can you please let me know if you are free to attend?*

*Could I please request some dot points to support this to be provided to ODDG CS prior to the meeting?*

*We will also need to further discuss timeframes around notifying the successful candidate, who does it and when the announcement with the Minister and DP is made.*

179. At 5:38pm the Manager, Media and Communications Liaison in the DoE sent an email to various people including the Principal Advisor. That email stated:

*Good afternoon*

*From Tuesday 19 March the Deputy Premier and Minister Grace will jointly announce the appointment of the foundation principal of Inner City South State Secondary College. [Principal Advisor] is the contact.*

*To facilitate this announcement can the Minister's office please receive a media statement by COB Monday 18 March.*

*Thank you for your assistance.*

### **Wednesday 13 March 2019**

180. As can be seen in the following paragraphs, at this stage, the Panel Chair and others in the DoE, namely the Principal Advisor, are still proceeding on the basis that Principal A will be the Band 11 Principal.
181. At 9:03am the Principal Advisor responded to the email of the previous afternoon requesting the media statement. The Principal Advisor's email stated, in part:

*It is important to note that the selection report is still being signed and approved so for the moment the media statement will not include the name of the principal.*

*This detail will be added in at a later date.*



182. At 3:00pm, the Panel Chair's office emailed the Principal Advisor. That email stated:

*Hi [Principal Advisor],*

*Please find below some dot points for your consideration:*

- *Foundation Principal Inner City South State Secondary College appointment*
- *11 applications were received and 4 applicants short listed for interview*
- *Interviews took place for Foundation Principal, Wednesday 6th March*
- *Panel consisted of [the Panel Chair], [the President, QSPA], [the General Secretary, QTU], [the Vice-Chancellor, UQ], [the President, P&C Queensland]*

*Applicants were asked to:*

- *Outline their vision for Inner City South State Secondary College with a 10 minute prepared presentation.*
- *How will you define success for Inner City South State Secondary College?*
- *How will you measure the success of Inner City South State Secondary College after the first 6 years?*

*It is recommended that Principal A be appointed to the position*

*[Background on Principal A's experience and job history was included]*

*The appointment is currently being signed off by the panel with the anticipation for the selection report to be finalised by Human Resources Friday 15th March*

*A view to start the Foundation Principal to commence by Term 2 2019*

*Many thanks*

*Kind Regards*

183. At 5:19pm, the Panel Chair's office submitted the selection report to DoE HR recommending the appointment of Principal A. That email stated:

*Please find attached the Selection Report for ICSSSC for your progression. Please let us know at the earliest when we can notify the candidate.*

*Please note the Deputy Premier and Minister are wanting to announce ASAP*

#### **Thursday 14 March 2019 – DoE briefing to the Deputy Premier**

184. On 14 March 2019, the planned meeting between the DoE representatives and the Deputy Premier proceeded at 1:00pm. The meeting occurred at the Deputy Premier's electorate office.

185. The Panel Chair did not attend the meeting but the Acting Deputy Director-General, the ADG, IS and the Principal Advisor did.

186. The Deputy Premier's recollection of the meeting was that it was spent talking about the concept plan, schematic designs and master plans for the State schools within her electorate before they were released.



187. The Deputy Premier stated she did not have much of a recollection of a discussion about the principal “*maybe that it was just in the process of being finalised or they had finalised, it could have been where the process had been up to, I don’t...that’s what it could have, I don’t know*”.<sup>45</sup>
188. The Principal Advisor stated that when the agenda item about the principal appointment was raised, everyone sat in silence and provided answers to questions from the briefing notes prepared for the meeting. The Principal Advisor stated the Deputy Premier asked questions about why the position was not at the Executive Principal level and what was the difference in salary between an Executive Principal and Band 11 Principal. The Principal Advisor stated she didn’t have the answers to these questions.
189. It was the recollection of the Acting Deputy Director-General that the briefing was “*quite cordial*”<sup>46</sup> and it was his understanding that the DoE were at the stage of panel sign-off.<sup>47</sup>
190. In fact, each of the panel members had already signed off the report recommending Principal A be appointed.

#### Thursday 14 March 2019 – The plan by the DoE to test Principal A

191. After the meeting between the DoE representatives and the Deputy Premier, a series of text messages and calls were made between the Principal Advisor and the DDG, and later including the Panel Chair and the DG.

**Principal Advisor at 2:08:57pm:** *We just met with the DP RE south. I will fill you in when you are free, she was really happy.*

**DDG at 2:09:26pm:** *Sensational*

**Principal Advisor at 2:09:41pm:** *Yes very*

**DDG at 2:12:25pm:** *Amazing and Phew!*

**Principal Advisor at 2:24:23pm:** *There was one thing she was a bit iffy on though to do with the principal.*

**Principal Advisor at 2:24:30pm:** *Do you remember why it was downgraded from EP to band 11?*

**Principal Advisor at 2:43:39pm:** *But I can’t remember why, and that’s what she was asking about.*

**DDG at 2:59:51pm:** *It was never downgraded. I had talked about EP back when it was all still a concept. The[n] we put 1500 as the enrolment level which is below the ep threshold of 1600. The principal can ride it up to EP if it gets to 1600.*

**DDG at 2:59:55pm:** *All my fault.*

**Principal Advisor at 3:00:09pm:** *It’s not your fault.*

**DDG at 3:00:12pm:** *The eb [believed to stand for “enterprise bargaining” and be a reference to the 2016 CA] has an ep section with thresholds I think.*

**DDG at 3:00:33pm:** *Innner [sic] north is the same.*

**Principal Advisor at 3:00:38pm:** *Yes we said that there is. 1600 enrolment capacity.*

**Principal Advisor at 3:00:41pm:** *Threshold.*

45 Transcript of hearing of the Deputy Premier – page 84, line 20.

46 Transcript of Acting Deputy Director-General – lines 1429 and 1445.

47 Transcript of Acting Deputy Director-General – line 1445.



**DDG at 3:00:42pm:** *Who is the principal going to be.*

**Principal Advisor at 3:00:45pm:** *Yes we said that.*

**Principal Advisor at 3:01:19pm:** [Principal A]

**DDG at 3:01:47pm:** *Has [Panel Chair] taken the recommended principal to be “interviewed” that is meet the dp Before appointing or recommending appointing.*

192. At 3:02:21pm, the Principal Advisor attempted to call the DDG. Following this attempt, the text message exchange continued:

**DDG at 3:02:21pm:** *Sorry, I can’t talk right now*

**Principal Advisor at 3:02:27pm:** *No she hasn’t.*

193. At 4:35pm, the Principal Advisor called the Panel Chair.

194. At 4:44pm, the Principal Advisor continued the text message exchange with the DDG:

**Principal Advisor at 4:44:35pm:** *I have rang [sic] [Panel Chair] to let her know that before having the selection report approved, it may be a good idea for a meet the principal with the Dp.*

*I’ve said she should check whether the Dg is comfortable with that approach. Even if she was to call the dp to tell her about the candidate.*

195. At 5:16pm, the Panel Chair called the DG.

196. At 5:29pm, the Panel Chair called the Principal Advisor back.

197. At 5:52pm, the Principal Advisor continued the text message exchange with the DDG:

**Principal Advisor at 5:52:18pm:** *Dg has said to [Panel Chair] next week when you are back we can arrange a catch up with the dp and potential principal.*

**DDG at 10:09:33pm:** *Haha excellent.*

198. The DG confirmed receiving a telephone call from the Panel Chair where he was advised that she had concerns about the suitability of Principal A for the role of principal for the ICSSSC.<sup>48</sup>

199. The DG stated:

*my recollection of the call was [the Panel Chair] advising me that consideration was being given to “test” the preferred candidate with the local member. To the best of my recollection that was the first time I was aware of a meeting being considered between [Principal A] and the local member.<sup>49</sup>*

200. The DDG has stated that at the time of the text message exchange, he knew nothing about the selection panel process for the appointment of the principal at the ICSSSC or any of the concerns about the weakness of the applicant pool, the views that had been expressed by the Vice-Chancellor during the selection process, or the selection panel’s assessment of Principal A and the other candidates.

<sup>48</sup> Transcript of NTD interview with the DG – page 17, lines 734-758.

<sup>49</sup> Email from the DG to the CCC dated 24 March 2020.





## The Deputy Premier phones the Vice-Chancellor

### Friday 15 March 2019

201. On Friday 15 March 2019 at 7:41am the Deputy Premier telephoned the Vice-Chancellor.
202. This contact followed an attempt by the Deputy Premier to speak with the Vice-Chancellor at 3:41pm on 14 March 2019.
203. The Vice-Chancellor stated the Deputy Premier started the conversation by saying words to the effect that she understood that he was “*very enthusiastic about the candidate*” the selection panel had decided to recommend.<sup>50</sup>
204. The Vice-Chancellor stated he responded to the Deputy Premier with words to the effect that “*the selection panel had recommended the only appointable candidate but the field was not strong because the position was advertised at a Band 11 level and not at [Executive Principal] level as was originally indicated*”.
205. The Vice-Chancellor stated he:
- suggested to the Deputy Premier she could meet with the recommended candidate to allow her to form her own view.*
206. The Vice-Chancellor stated he:
- also offered that if [Principal A] were appointed, UQ could host her for the first year, and that the Deputy Premier described the hosting proposal as “a great idea”.*<sup>51</sup>
207. The Vice-Chancellor stated during examination by the CCC that he was surprised to receive the telephone call from the Deputy Premier to the extent that he thought the process was run by the DoE, but he then stated:
- however, having seen how the Deputy Premier involved herself in the community consultation, I’m not surprised that a local member expresses a strong desire for there to be a really good principal for the first school that has been built in the area in many years.*<sup>52</sup>
208. The Deputy Premier stated she had no recollection of what the Vice-Chancellor stated was discussed during the telephone call on 15 March 2019.
209. The Deputy Premier stated that her recollection was that she would not have said the Vice-Chancellor was enthusiastic about anyone because her recollection was that the Vice-Chancellor had informed her that the selection panel had settled on a preferred candidate but expressed his disappointment in the calibre of candidates at the lunch between the two of them on 12 February 2019.<sup>53</sup>
210. Upon reflection, the Deputy Premier has stated that over the relevant period, there were other matters of varying significance which were the subject of direct conversations between her and the Vice-Chancellor. These included the SEQ City Deal and the request from the Vice-Chancellor and UQ for the Queensland Government to put forward the research and commercialisation facility at Boggo Road within the SEQ City Deal, and the demolition of the Schonell Theatre.<sup>54</sup>

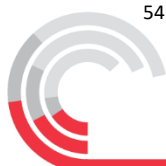
50 Statement of the Vice-Chancellor – page 4, [29].

51 Statement of the Vice-Chancellor – page 4, [28]; handwritten notes of the Vice-Chancellor dated 15 March 2019 recording telephone call received from the Deputy Premier at 7:41am to 7:48am.

52 Transcript of hearing of the Vice-Chancellor – pages 36, line 41 to page 37, line 2.

53 Submission of the Deputy Premier dated 21 May 2020 – [48] and [53].

54 Submission of the Deputy Premier dated 21 May 2020 – [61].



211. The Deputy Premier has stated that her recollections of conversations with the Vice-Chancellor are imperfect and concedes that the Vice-Chancellor expressing his disappointment with the calibre of applicants may have occurred during the telephone conversation on 15 March 2019 rather than on 12 February 2019, as the selection process could not have been finalised prior to 12 February.<sup>55</sup>
212. The Deputy Premier denied saying the Vice-Chancellor was “*enthusiastic about a candidate*”.<sup>56</sup>
213. The telephone call on 15 March 2019 lasted seven (7) minutes and 56 seconds. The Deputy Premier stated that she could have called the Vice-Chancellor on this day to give him a heads-up about the announcement of the memorandum of understanding into the SEQ City Deal that was to occur that day.<sup>57</sup>
214. As to the Vice-Chancellor’s suggestion during this telephone call that the Deputy Premier might wish to meet with Principal A, the Deputy Premier stated, “*I do not recall at all [the Vice-Chancellor] suggesting I meet with any candidate*”.<sup>58</sup>
215. Later in her evidence, the Deputy Premier stated, “*I deny that he [the Vice-Chancellor] suggested that [the Deputy Premier could meet with Principal A to form her own view]*”.<sup>59</sup>
216. If somebody had suggested she meet with Principal A to form her own view, the Deputy Premier stated, “*my view should not be taken into consideration here, that is an independent selection process*”.<sup>60</sup>
217. As to whether the Deputy Premier would accept the offer of a meeting or not, the Deputy Premier stated, “*not while the process was afoot*”.<sup>61</sup>
218. The Deputy Premier stated, “*I don’t recall having a conversation about meeting with [Principal A] with anyone other than my electorate staff when the Department of Education suggested that I meet with her as the successful applicant*”.<sup>62</sup>

## Principal A’s appointment approved by delegate but no offer made

### Friday 15 March 2019

219. The Executive Director, Human Resources, DoE approved the selection report recommending the appointment of Principal A.
220. An email was then sent at 2:21pm to the Panel Chair confirming the appointment. The email stated:

*Please be advised that [Principal A’s] ethical standards check has come back clear and therefore she has been approved for the appointment to Foundation Principal at Inner City South State Secondary College.*

*An offer and appointment can now be announced.*

55 Submission of the Deputy Premier 21 May 2020 – [54].

56 Transcript of hearing of the Deputy Premier – page 71, lines 5-15.

57 Submission of the Deputy Premier 21 May 2020 – [62].

58 Transcript of hearing of the Deputy Premier – page 61, lines 11-14.

59 Transcript of the Deputy Premier – page 71, lines 36-41; page 74, lines 37-42.

60 Transcript of hearing of the Deputy Premier – page 74, lines 44-47.

61 Transcript of hearing of the Deputy Premier – page 75, lines 1-3.

62 Transcript of hearing of the Deputy Premier – page 60, lines 42-47.



221. No offer was made to Principal A.
222. It may be the case that no offer was made because the DG, the DDG and the Panel Chair had already determined, the previous day, that it would not be inappropriate for Principal A to be “interviewed” by the Deputy Premier.
223. The CCC has no evidence that anyone from the DoE had spoken to the Deputy Premier about this proposal.
224. The events that follow demonstrate a complete failure by the DoE to ensure that the recruitment process was free from the perception of political influence.

### **The DDG is directing the Panel Chair**

225. The Panel Chair stated to the CCC that, although he was not on the panel, the DDG was directing her in the process.
226. The Panel Chair under examination by the CCC stated:

**CCC:** *the email is an email to yourself from the Department of Education, Human Resource Division, I suppose, sent on the Friday the 15th of March 2019 at 2:21 pm. I'll just let you have a quick read of that-*

**Panel Chair:** *Mm.*

**CCC:** *email.*

**Panel Chair:** *I don't recall this specifically but this is part of the standard process of our system to go through. I don't know what to say to you um I submitted it.*

**CCC:** *Yep but this email is sent to you from the Human Resources.*

**Panel Chair:** *On the 15th mm.*

**CCC:** *stating that an offer an appointment can now be announced. Next steps to be actioned as soon as possible are one through four.*

**Panel Chair:** *Mm.*

**CCC:** *And you're saying that you did not see this email?*

**Panel Chair:** *I can't recall that and I can't recall and yeah I can't recall the conversations that I would've had with anyone about this I was being guided by others in this whole process, I would say.*

**CCC:** *You're being guided by others in the process, what do you mean by that?*

**Panel Chair:** *So because of the uniqueness of this school and the announcement and appointment of people my main line manager and person through this was the Deputy Director-General of State Schools, [the DDG].*

**CCC:** *So you were being directed by [the DDG] in terms of this process?*

**Panel Chair:** *To a large degree yep, yes.*

**CCC:** *Yep?*

**Panel Chair:** *Yes.*



**CCC:** So you were receiving directions from [the DDG] in relation to the recruitment and selection process for the Principal of that School?

**Panel Chair:** Um.

**CCC:** Yes or no?

**Panel Chair:** Yes.

**CCC:** Well...

**Panel Chair:** Could I?

**CCC:** is it a yes or no answer or-or do you need to elaborate?

**Panel Chair:** I do need to elaborate if you'd-

**CCC:** Alright.

**Panel Chair:** thank you. Up and to I ran a panel I typed up a report I circulated to all the panel members who signed and returned it to me I submitted it through HR-

**CCC:** Mhm.

**Panel Chair:** and HR does this part of the process this um [HR Officer] does this regularly. I communicated to [the DDG] about the I-I don't remember the details of a text message or whatever to [the DDG] about who we'd selected and then he asked me questions around who [Principal A] was, where she'd come from, her work history and the panel process and so when I say up and to the point of it running the panel I ran the panel from that point on there were questions and considerations around the suitability of that appointment for this particular school, have I answered that?



## The DDG returns to work

**Monday 18 March 2019**

227. The DDG returned to work from leave.

228. In relation to his role with the ICSSSC, the DDG stated:

*I was responsible for, and involved in, the development of the initial submission to the State Government for the creation of the \$500 million Building Future Schools Fund. Given the size of the fund and the significance of the projects, I was placed in charge of the Building Future Schools Program Board and I was then made responsible for overseeing all elements of the projects under the Fund, including the two signature investments being the Inner City North State Secondary College and the ICSSSC, the combined value of which represented approximately \$300 million or around 60 per cent of the Fund.<sup>63</sup>*

...

*As the Senior Responsible Owner for the Program, I was actively involved in (and led) the strategic and operational decision-making. I was, and am, personally accountable for the achievement of the vision for the new schools. As the new schools are located in the Metropolitan Region, the department's Metropolitan Regional Director [referred to in this report as the Panel Chair] reports directly to me under the approved Program structure on all matters relating to the projects under the Fund including, most relevantly, the establishment of the ICSSSC.<sup>64</sup>*

...

*As the Senior Responsible Owner for the Program, part of my role has been to keep the former Deputy Premier informed of the progress of, and the next steps for, the projects located in her electorate, and of the department's decision-making.<sup>65</sup>*

229. The DDG stated he received a briefing from the Acting Deputy Director-General about the status of DoE's deliberations in respect to the proposed architectural design and the recruitment and selection process for the principal for the ICSSSC.

230. The DDG also said he had conversations with the Panel Chair to satisfy himself that the panel had recommended a candidate who was of the highest calibre and had the ability to actively lead and promote the ICSSSC in the manner and to the standard expected by the DoE and by UQ.

231. The DDG, under examination by the CCC, stated that he was not told that the selection report had been signed, approving the appointment of Principal A and for an offer to be made:

*I was working on the basis that there was no delegate signed approved report on foot because I sought to go through further stages of the process to ascertain whether or not we should go forward with that candidacy.<sup>66</sup>*

*...we weren't at the point of making an offer and I hadn't met the candidate and I was keen to make sure that I did meet the candidate before making such an offer.<sup>67</sup>*

232. The DDG stated he made enquiries with the Vice-Chancellor about Principal A.

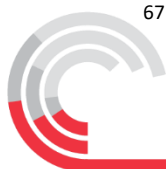
63 Statement of the DDG – page 2, [6].

64 Statement of the DDG – page 3, [13].

65 Statement of the DDG – page 3, [16].

66 Transcript of hearing of the DDG – page 51, line 3.

67 Transcript of hearing of the DDG – page 41, line 44.



233. The DDG said the Vice-Chancellor responded: “without being unkind, the best of a bad bunch”. The Vice-Chancellor denied ever using those words.

234. The DDG stated the Vice-Chancellor reiterated his:

*steadfast belief that the ICSSSC principal role should have been advertised as an Executive Principal to attract the highest calibre of candidate for such a prominent school.*<sup>68</sup>

235. The DDG stated that after he became aware of the small applicant pool, the concerns about the “fit” of Principal A to effectively do the job as the foundation principal of ICSSSC, and the continuing concerns of the Vice-Chancellor about the Band 11 level:

*I was in my own mind seriously questioning whether we should proceed with the nomination of Principal A.*<sup>69</sup>

236. The DDG stated he has chaired multiple selection panels in his career and provided advice that the worst decision a selection panel can make is to make a bad recruitment decision for the sake of it. He stated:

*I have always personally been of the view that a selection panel is far better off to park the process and go out to the market again if there is any doubt or uncertainty about the merit or fit of the best candidate.*<sup>70</sup>

237. The DDG had discussions with the Panel Chair about the various options that could be used to help make the final appointment decision such as psychometric testing, assessment centre type activities, a second interview, and presentations.

## The DDG proceeds with the plan that Principal A should meet with the Deputy Premier

238. The DDG stated to the CCC:

*with my reservations about the size and quality of the applicant pool and whether [Principal A] was right for appointment to the ICSSSC principal role and my knowledge that UQ may not have been fully supportive of progressing with a nomination from the first round selection process, I proposed to [the Panel Chair] that the best test for a proposed nominee would be to have [Principal A] meet with a **significant stakeholder, in the form of the Deputy Premier to see how she would perform**<sup>71</sup> or “**hold her own**”<sup>72</sup> **as the Deputy Premier’s not the easiest personality.**<sup>73</sup>*

[emphasis added]

239. The DDG stated the proposed meeting with the Deputy Premier was a test for him to see whether Principal A:

*could hold her own and give a different impression or give me confidence that I was prepared to hand this \$150,000,000 prize to lead for our State.*<sup>74</sup>

68 Statement of the DDG dated 25 May 2019 – page 9, [43].

69 Statement of the DDG dated 25 May 2019 – page 10, [46].

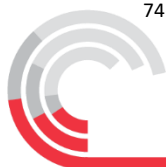
70 Statement of the DDG dated 25 May 2019 – page 9, [44].

71 Statement of the DDG – [49].

72 Transcript of hearing of the DDG – page 29, line 30.

73 Transcript of hearing of the DDG – page 29, line 27.

74 Transcript of hearing of the DDG – page 38, line 10.



240. The Panel Chair confirmed to the CCC that the DDG decided to take Principal A to meet with the Deputy Premier. The Panel Chair stated:

*After this I telephoned [the DG] and expressed my concern about the decision to take [Principal A] to meet with the Deputy Premier.<sup>75</sup>*

*I was uncomfortable because I had run a whole recruitment process and done what I had been asked to do, that's when I rang [the DG] and advised of [the DDG's] proposal. I felt bad going around [the DDG] to his supervisor and I felt a bit like I was dobbing on [the DDG], but at the same time I wanted to say I was uncomfortable about this. **[The DG] settled my level of concern and assured me that the Deputy Premier does not make the decision to appoint principals to our schools and is not part of a selection process.**<sup>76</sup>*

[emphasis added]

241. As stated earlier in this report, the DG confirmed receiving a telephone call from the Panel Chair where he was advised that both she and the DDG had concerns about the suitability of Principal A for the Band 11 role. Whether this call happened on Monday 18 March 2019 or the week before on Thursday 14 March 2019, following the meeting with the Deputy Premier, is not important. What is important is that the DG knew there were plans to “test” Principal A with the Deputy Premier.
242. When interviewed by the CCC on 12 March 2020, the DG told investigators that the decision to have Principal A meet with a politician before she was appointed was “totally misguided”.<sup>77</sup>
243. The DDG in examination by the CCC stated:

*I proposed that we do, a you know this informal discussion with the Deputy Premier for [the Panel Chair] and I to satisfy ourselves whether um and particularly me I suppose, to take [Principal A's] candidacy forward. I can remember, standing at the window as I was, mentioning earlier to get reception in the discussion with the Deputy Premier, and I would describe her interest in the engagement as **probably lukewarm** but and **my clear recollection is that she said something to the effect of, “If you think it's appropriate and if you think it will assist the Department maybe not hurry up but get on with the job”** then, that **she was happy to assist**. So my understanding is that the appointment was then arranged and the meeting took place on the Friday the 29<sup>th</sup> of March.<sup>78</sup>*

[emphasis added]

244. The Vice-Chancellor had also raised the idea with the Deputy Premier to meet with Principal A during the telephone conversation initiated by the Deputy Premier on 15 March 2019 at 7:41am. In relation to his suggestion for the Deputy Premier to meet with Principal A, the Vice-Chancellor stated that such a meeting would align with practices of UQ.<sup>79</sup>
245. The Vice-Chancellor stated:

*I don't know if I was the one, but I certainly suggested that it was a possibility for her to meet the candidate, but that's not for me to decide. If that's not proper process, it shouldn't have happened. As I said I don't know the internal workings of the state government.<sup>80</sup>*

<sup>75</sup> Statement of the Panel Chair – [20].

<sup>76</sup> Statement of the Panel Chair – [21].

<sup>77</sup> Transcript of interview with the DG – page 48, line 2198.

<sup>78</sup> Transcript of hearing of the DDG – page 23, lines 42-43, 44, 46.

<sup>79</sup> Transcript of hearing of the Vice-Chancellor – page 37, line 46 - page 38, line 5.

<sup>80</sup> Transcript of hearing of the Vice-Chancellor – page 38, line 7.



246. The Deputy Premier stated she does not recall having a conversation about meeting with Principal A other than with her electorate staff and this was only after the DoE suggested she meet with Principal A.<sup>81</sup>
247. Whoever suggested it, no member of the selection panel other than the Panel Chair was informed that Principal A would be required to meet with the Deputy Premier before she could be appointed or an offer of appointment made.
248. Apart from the Panel Chair, none of the panel members were invited to participate in the meeting. Such an approach is entirely inconsistent with the independence of selection panels and completely ignored the fact that the delegate had already approved the selection report.
249. All witnesses spoken to, with the exception of the Vice-Chancellor, considered it unusual for a politician to meet with an applicant for a position before the selection and recruitment process had been completed.
250. The CCC considers that it is more than unusual. The CCC considers it completely inappropriate and in opposition to the principles of an apolitical public service which is free from political influence.
251. On 20 March 2019, the Panel Chair's office sent a meeting request to the Pro-Vice-Chancellor (Teaching and Learning) and the Deputy Vice-Chancellor (External Engagement) of UQ inviting them to meet with the Panel Chair and the new ICSSSC principal once this person had been formally announced. The proposed meeting was to occur on 29 April 2019, at 11:00am.
252. The CCC considers that it is open to be inferred that at this point, at least, the Panel Chair considered that Principal A was going to be offered the position of Band 11 Principal.

## The meeting with the Deputy Premier is described as a “Meet and Greet”

### Friday 22 March 2019

253. On 22 March 2019, the Principal Advisor to the DDG sent an email to the Deputy Premier's electorate office addressed to the Deputy Premier's electorate officer.
254. The email advised the DoE proposed to release the ICSSSC concept master plan for community consultation on 29 March 2019 and that the community would be offered the opportunity to provide feedback and attend one of three showcases scheduled in April 2019 to view the concept master plan, schematic designs, and engage with the local member, project team and architects.
255. The Principal Advisor stated:

*The feedback collated through the consultation process will be used by the department to inform the final master plan and schematic designs allowing the department to progress the Infrastructure Designation and tender process to award a contract.*

...

*I will talk to you next week to finalise the dates and times for the consultation period and the **meet and greet** as discussed.*

[emphasis added]

81 Submission of the Deputy Premier dated 21 May 2020 – page 14, [53] and refer [213-218] of this report.





256. In relation to the “meet and greet”, the Deputy Premier’s electorate officer stated:

*I believe that [Principal Advisor] and I spoke over the phone sometime between 14 March and 22 March and during that phone call, [Principal Advisor] suggested that [the Deputy Premier] have a **meet and greet with the successful candidate**. By “successful candidate”, I mean the person who would be the new principal. **No one suggested to me at any time that the successful candidate hadn’t been or wouldn’t be, or mightn’t be, formally appointed to the role.**<sup>82</sup>*

[emphasis added]

## Preparing for the meeting between the Deputy Premier and Principal A

### Tuesday 26 March 2019

257. On 26 March 2019, at the request of the DDG, the Panel Chair contacted Principal A to arrange a meeting between Principal A and the Deputy Premier.

258. The Panel Chair advised Principal A that:

*I don’t remember the precise words that I used, but I had a conversation on the phone with [Principal A], and advised her of words to the effect that we are taking the shortlisted candidates to meet the Deputy Premier because the school is in her electorate, is a very high profile school and she is very interested in the success of the school.<sup>83</sup>*

259. Principal A was advised that some of the candidates were going to meet with the Deputy Premier, who would want to hear about her pitch for the ICSSSC.

260. This statement was not true. Only Principal A was meeting the Deputy Premier. None of the remaining three shortlisted candidates met with the Deputy Premier.

261. Principal A stated to the CCC that the Panel Chair told her:

*to be myself, be engaging and wear something nice.<sup>84</sup>*

262. The Panel Chair advised her she would not receive a calendar invitation for it but that she:

*should mark it in [her] mind that it would be occurring on Friday 29 March.<sup>85</sup>*

263. In a statement provided to the CCC, the Panel Chair stated that Principal A was the only applicant to meet with the Deputy Premier and that Principal A was not aware of this.<sup>86</sup>

264. Principal A stated that while she did not specifically ask the Panel Chair what the purpose of the meeting with the Deputy Premier was during the conversation on 26 March 2019, she recalled walking away with an understanding that it was an opportunity for her to present her vision for the ICSSSC.<sup>87</sup>

82 Statement of the Deputy Premier’s electorate officer dated 19 May 2020 – [24].

83 Statement of the Panel Chair – page 4, [22].

84 Statement of Principal A – page 6, [36].

85 Statement of Principal A – page 6, [37].

86 Statement of the Panel Chair – page 4, [23].

87 Transcript of NTD interview with Principal A – page 25, lines 1136-1140.



265. Principal A stated the Panel Chair did not clearly convey to her that the meeting with the Deputy Premier was part of the selection process<sup>88</sup> or that it would have any bearing on who got the job.<sup>89</sup>
266. Of note is that Principal A also stated, “*I was not aware that [the meeting with the Deputy Premier] was going to be part of a process or that it was connected before I applied or when I had my first interview*”.<sup>90</sup>

### **The calendar invitation is described as a “Meet and Greet”**

267. On or about 27 March 2019, the office of the DDG forwarded a calendar invitation to the South Brisbane electorate office of the Deputy Premier for the proposed meeting on 29 March 2019. The meeting was described as a “meet and greet”. On behalf of and pursuant to the Deputy Premier’s agreement, the invitation was accepted on 27 March 2019.

### **The DDG meets with Principal A**

#### **Thursday 28 March 2019**

268. On 28 March 2019, the DDG met with Principal A.
269. The DDG described this meeting as an “*informal discussion*” under the pretence that Principal A was down to the last couple of candidates for the position.<sup>91</sup>
270. This was untrue as Principal A’s appointment had been approved by the Executive Director, HR (see para 220). However, no offer had been made and it appears that the good performance of Principal A at the meeting with the Deputy Premier was going to be conclusive.
271. Principal A stated that the DDG discussed what she might expect the following day in the meeting with the Deputy Premier.
272. Principal A said the DDG advised:

*it’s not an interview but it may feel like it is...be yourself.*<sup>92</sup>

273. Principal A was told that the Deputy Premier might be curious to know how ICSSSC would be better than Brisbane State High School and confirmed Principal A should speak to her application and the ICSSSC Education Brief.<sup>93</sup>
274. Principal A asked whether she should take her one-page visual describing her vision for ICSSSC that she had used during her interview presentation and was advised by the DDG:

*it wouldn’t be that formal – more like a conversation.*<sup>94</sup>

275. According to the DDG and supported by the Panel Chair, the meeting with the Deputy Premier was to further test Principal A and her ability to liaise with community stakeholders. It was not made known to the Deputy Premier that this was a test that would determine whether Principal A would be offered the position.

88 Transcript of NTD interview with Principal A – pages 25-26, lines 1142-1161.

89 Transcript of NTD interview with Principal A – pages 26-27, lines 1191-1201.

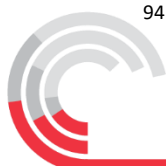
90 Transcript of NTD interview dated 6 March 2020 – page 27, lines 1227-1228.

91 Statement of the DDG – page 10, [48].

92 Transcript of hearing of the DDG – page 58, line 44.

93 Statement of Principal A – [46-47].

94 Statement of Principal A – [47].



276. The meeting on 29 March 2019 was scheduled to commence at 11:30am at the Deputy Premier's South Brisbane electorate office.

## The text message from the DDG to the Deputy Premier

### Friday 29 March 2019

277. At 10:45am, the DDG sent a text message to the Deputy Premier. It said:

*Hi again Hey I just wanted to compare notes about the discussion with [Principal A] this morning. [She] hasn't been advised she is the principal elect yet. Have painted this as an intro with local member (very nice and very important one at that) as part of this prominent appt process. Just wanted to give you the heads up. Ta [the DDG]*

278. The Deputy Premier submitted that she did not respond to this text message, and that she was under the impression the meeting was with the preferred candidate, and that the candidate would be aware of that prior to meeting her. The Deputy Premier stated it was not until she received the text message from the DDG that morning that she became aware that Principal A had not been informed by the DoE of her status in the recruitment process as the successful candidate.<sup>95</sup>
279. The Deputy Premier said that she went ahead with the meeting as it had already been arranged by the DoE. In the Deputy Premier's evidence:

**Legal Representative:** *Okay if there had in fact been a glitch in the, glitch in the recruitment process or some concern about [Principal A] what would be your expectation of [the DDG] in respect of the scheduled meeting?*

**Deputy Premier:** *... I would have assumed the department would have said "we're going to pause the process, we're not going to go ahead with the meeting".<sup>96</sup>*

280. The Deputy Premier's legal representatives, on her behalf, submitted to the CCC:

*Had there been any concerns with the meeting going ahead, it is reasonable for the Deputy Premier to expect the DoE to have advised her and to have rescheduled it. She was not advised that there was any concern about the meeting going ahead. The only advice she received was the text message from [the DDG].<sup>97</sup>*

## The meeting of the Deputy Premier, the DDG, Panel Chair and Principal A

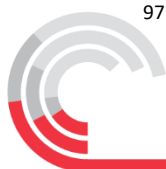
### Friday 29 March 2019

281. The meeting with the Deputy Premier started late due to her other commitments running overtime.
282. Attendees at the meeting variously described the Deputy Premier's mood as "lacking in warmth", "brusque", "curt or terse", "cold", "unhappy" and "in a bad mood".

<sup>95</sup> Submission of the Deputy Premier dated 24 April 2020 – pages 6-7; Submission of the Deputy Premier dated 5 May 2020 – page 4.

<sup>96</sup> Transcript of hearing of the Deputy Premier – page 90, line 40.

<sup>97</sup> Submission of the Deputy Premier dated 5 May 2020 – page 4.



283. By way of explanation of the Deputy Premier's mood at the meeting, the Deputy Premier's legal representatives submitted:

*The meeting was on a Friday after the end of Parliamentary sitting week where she had functions every night and was pretty tired.*<sup>98</sup>

...

*Ms Trad had significant commitments that day, including within her electorate, a Cabinet Budget Review Committee, and a speaking engagement that night.*<sup>99</sup>

*Before the meeting with Principal A, Ms Trad had a commitment at West End State School commencing at 11.00 am. She then had to get down to the electorate office which is approximately a five-minute walk but always longer because people stop her in the street. She recalls being slightly late for the meeting.*<sup>100</sup>

*Ms Trad described the meeting as involving polite conversation, warming up, breaking the ice, and general questions of a high level to [Principal A].<sup>101</sup> These questions including things like how she would manage the interface with Brisbane State High School, given that there had been deep engagement with the community over the development.<sup>102</sup> Ms Trad was not looking for specifics: "It was just to really establish a rapport and a relationship with someone who would play a significant role within the development of this school."<sup>103</sup>*

284. The Deputy Premier stated she did not intentionally exhibit any coldness towards Principal A:<sup>104</sup>

*sorry I, if I seemed cold that was not my intention, I was tired and I had some significant events on in the afternoon and that night...I try to make a good impression with people and if I failed on that day, I you know.*<sup>105</sup>

285. Principal A stated she was nervous, given the stature of the Deputy Premier and the magnitude of the meeting, feeling that the meeting was another step in the selection process and she wanted to give her absolute best but felt the meeting did not get off to a good start given the lateness and mood of the Deputy Premier.<sup>106</sup>

286. At the meeting, the Deputy Premier recalled asking Principal A some "basic and high-level questions to establish a rapport with her". The Deputy Premier recalled asking questions such as:

- *Why do you want to be the Principal of ICSSSC?*
- *How would you connect with the local community?*
- *How would you build confidence that the ICSSSC would be a high-performing school competitive with Brisbane State High School?*

98 Submission of the Deputy Premier dated 21 May 2020 – page 5, [20].

99 Submission of the Deputy Premier dated 30 June 2020 – page 11, [37(b)] quoting the transcript of hearing of the Deputy Premier – pages 92 to 93.

100 Submission of the Deputy Premier dated 21 May 2020 – page 5, [20(b)] quoting the transcript of hearing of the Deputy Premier – page 24, line 23.

101 Submission of the Deputy Premier dated 21 May 2020 – page 6, [16(c)] quoting the transcript of hearing of the Deputy Premier – page 27, line 42.

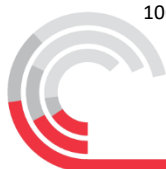
102 Submission of the Deputy Premier dated 21 May 2020 – page 6, [16(c)] quoting the transcript of hearing of the Deputy Premier – page 28, line 5.

103 Submission of the Deputy Premier dated 21 May 2020 – page 6, [16(c)] quoting the transcript of hearing of the Deputy Premier – page 28, line 18.

104 Transcript of hearing of the Deputy Premier – page 91, lines 43-45.

105 Transcript of hearing of the Deputy Premier – page 91, lines 23-41.

106 Transcript of NTD interview with Principal A dated 6 March 2019 – pages 36-41.



287. Principal A stated she remembered telling the Deputy Premier that she was:

*proudly the principal of [school name omitted] even though I wanted to position myself that I, you know had been a principal obviously, and she said "well what makes you so proud?"...I remember speaking along the lines of it's been an honour and a privilege to transform a learning community.*

*She said "well what makes you think you can transform a community?"*

288. Principal A stated she recalled the Deputy Premier asking her:

*what do you see are some of the challenges or opportunities, and I remembered an earlier conversation around you know that I said, should I talk to the brief, should I talk to my one pager, in that moment I was conscious of trying to raise things in the brief around some of the great potential knowing that it was nestled in the eco-sciences precinct that you would have access to some great potential partnerships with UQ, Translational Research, CSIRO, the PA Hospital and AFL Queensland.<sup>107</sup>*

289. When Principal A raised there being a potential partnership with AFL Queensland, as contained in the ICSSSC Education Brief, Principal A recalled the Deputy Premier asking:

*brief, what brief, why haven't I seen this?<sup>108</sup>*

290. The Panel Chair stated to the CCC:

*during the conversation I recall [Principal A] making a comment about the school having a partnership with AFL Queensland. I recall this conversation because the Deputy Premier turned to [the DDG] and wanted to know what we were talking about and why there was a focus on sport. The strong emphasis for ICSSSC is on high academic achievement, science and the partnership with UQ. The AFL partnership was a small feature of the focus of the school.<sup>109</sup>*

291. According to the Deputy Premier, the conversation was very general and lasted something in the order of 15 minutes.

292. No person in attendance made any notes during or after the meeting.<sup>110</sup>

293. The Panel Chair and the DDG both stated to the CCC that, having regard to Principal A's performance during the meeting, they had formed a low opinion of Principal A's capability to take on the role of principal of the ICSSSC.

294. According to Principal A, this is contrary to the advice provided by the Panel Chair to Principal A following the meeting.

295. Principal A stated that, after the meeting, both the DDG and the Panel Chair stated they felt the Deputy Premier was in a bit of a mood and their general consensus was that Principal A should have felt proud of how she handled herself as it was quite a "grilling".<sup>111</sup>

107 Transcript of NTD interview with Principal A – page 42, lines 1938-1953.

108 Transcript of NTD interview with Principal A – page 42, lines 1955-1960.

109 Statement of the Panel Chair – [25].

110 Statement of Electorate Officer for the Member for South Brisbane, 19 May 2020 – [36].

111 Statement of Principal A, [54].



296. The DDG stated that he gave Principal A feedback after the meeting and believed that she understood that she had not performed well.<sup>112</sup> The DDG stated:

*I discussed with her the nature of the big vision and the aspiration for the school and what we were looking for in terms of all the stakeholder partnerships, being world-leading, and with the highest educational aspirations, etc. I think she understood that she had not addressed a number of those aspects.*<sup>113</sup>

297. This is inconsistent with his characterisation of the meeting as an “informal discussion”.<sup>114</sup>

298. The Deputy Premier recalled Principal A was nervous and used a lot of education jargon.

299. The Deputy Premier stated, “I didn’t think it was a great meeting”.<sup>115</sup>

300. As to her impression of Principal A and whether Principal A was capable of performing the role, the Deputy Premier stated:

*I thought she was fine. I thought that you know this was a first meeting and we had to establish a relationship and that she was fine.*

*But I have to say that I don’t think that [the Vice-Chancellor’s] commentary perhaps was still at play in my mind. But having said that I meet and I know myself enough to know that I meet a lot of people who you know eventually, I establish a very good rapport with and do fantastic things so it’s of I’m not judging a person in one 15 minute meeting or 20 minute meeting.*<sup>116</sup>

301. The Deputy Premier denied she formed a view that Principal A was not the right person for the role before, at or after the meeting.

302. As to the suitability of Principal A and whether the Deputy Premier expressed a view that there was “No way” Principal A would be appointed to the position of principal of the ICSSSC, the Deputy Premier stated:

*I don’t recall using those words with reference to her [Principal A] and that’s not my role to appoint principals.*<sup>117</sup>

303. Later in her evidence, the Deputy Premier denied stating there was “No way” Principal A was to be appointed to the principal position of the ICSSSC.<sup>118</sup>

304. As to whether the Deputy Premier thought the DoE should readvertise for a new candidate to lead the ICSSSC, the Deputy Premier stated:

*No I did not think that because I thought the process had been finalised.*<sup>119</sup>

305. Other than asking her electorate officers as to their thoughts of Principal A,<sup>120</sup> the Deputy Premier stated she could not recall expressing her views of Principal A.<sup>121</sup>

112 Statement of the DDG – page 13, [58].

113 Statement of the DDG – page 13, [58].

114 Statement of the DDG – page 10, [48].

115 Transcript of hearing of the Deputy Premier – page 68, lines 12-38.

116 Transcript of hearing of the Deputy Premier – page 29, lines 21-43.

117 Transcript of hearing of the Deputy Premier – page 69, lines 18-45.

118 Transcript of hearing of the Deputy Premier – page 72, lines 18-22.

119 Statement of hearing of the Deputy Premier – page 29, line 45 to page 30, line 4.

120 Statement of Electorate Officer for the Member for South Brisbane, 19 May 2020 – [40].

121 Transcript of hearing of the Deputy Premier – page 30, line 11-34.



306. The Deputy Premier stated she also could not recall having any discussions with the Vice-Chancellor about the meeting with Principal A.<sup>122</sup>

307. According to the Deputy Premier's electorate officer:

*I would not describe the manner and the conduct of the meeting as that akin to an interview process. It appeared to me to be simply an opportunity for [the Deputy Premier] to get to know [Principal A] as a principal.*<sup>123</sup>

308. Later that same day, at 1:53pm, the Deputy Premier called the DDG. The Deputy Premier told the CCC that to the best of her recollection, the intention of this telephone call was to seek a better understanding of the DDG's earlier text message. The DDG did not answer and there was no follow-up.

309. The Deputy Premier stated she recalled having a conversation with the DDG after the meeting held on 29 March 2019 with Principal A, but had no recollection of whether the conversation occurred before or after she received a text message from the DDG on 6 April 2019. This text is detailed later in this report.<sup>124</sup> See also paragraph 325 of this report.

310. As stated by the DDG, the meeting he requested and arranged with the Deputy Premier:

*was not part of the original selection process for the selection of the ICSSSC principal's role. The outcome of the meeting between [Principal A] and the Deputy Premier and reasons why that appointment from the first advertisement was not specifically documented.*<sup>125</sup>

311. According to the Panel Chair, the meeting with the Deputy Premier ended up being part of the assessment process:

*[Principal A] was never advised before or after that meeting with the Deputy Premier that the meeting would form part of her selection process for Band 11 Foundation Principal ICSSSC. I did not document any decisions or the meeting outcome to not appoint [Principal A] as I did not regard these as my decisions.*<sup>126</sup>

312. The Deputy Premier stated that at the time of the meeting on 29 March 2019, she:

*understood that [Principal A] was the successful candidate and therefore she had been advised...If it had been made clear to me that I was a participant in a process that should have been an independent selection process then I would not have participated...because it is a process that is conducted independent of political interference.*<sup>127</sup>

313. The Deputy Premier gave evidence of the importance to her of having a meet and greet with a school principal taking on the role within her electorate:

*I think it's important, it's important for all the organisations that if I'm to understand the role that they play in the local community or if I have to work with them on particular issues of a State Government responsibility then it's important as the local member that I have a rapport with them, I have a relationship with them and that we can work together.*<sup>128</sup>

122 Transcript of hearing of the Deputy Premier – page 30, line 6-43.

123 Statement of Electorate Officer for the Member for South Brisbane, dated 19 May 2020 – [38].

124 Transcript of hearing of the Deputy Premier – page 31, line 10 – page 32, line 32.

125 Statement of the DDG – page 15, [69].

126 Statement of the Panel Chair – page 5, [33].

127 Transcript of hearing of the Deputy Premier – page 55, lines 22-40.

128 Transcript of hearing of the Deputy Premier – page 80, lines 1-8.





314. Upon returning to his office following the meeting with the Deputy Premier, the DDG attempted to telephone the Panel Chair to advise her that he had no confidence in moving forward with making an offer of appointment to Principal A.<sup>129</sup>
315. According to the DDG he had made this decision whilst engaging in conversation with Principal A while walking around West End prior to the meeting with the Deputy Premier.<sup>130</sup>
316. An exchange of text messages commenced between the DDG and the Panel Chair:

**DDG (12:44pm):** *I'm out. That wasn't too good was it.*

**Panel Chair (1:50pm):** *No it wasn't. I thought she didn't like Principal A.*

**DDG (1:50pm):** *We need to talk I think. I haven't heard from JT but it will come.*

**Panel Chair (1:50pm):** *Yes I agree. It will be about being an EP level.*

317. The DDG did not contact the Deputy Premier following the meeting.<sup>131</sup>
318. In relation to the meeting with the Deputy Premier, the DG stated:

*I didn't know this meeting was being scheduled, I didn't know the meeting had been scheduled.*<sup>132</sup>

319. Whether or not he knew the meeting had been scheduled is not the point. Significantly the DG was aware that a meeting between Principal A and the Deputy Premier was proposed and he should have taken action to convey that such a proposal was entirely inappropriate.

## Monday 1 April 2019

320. The Deputy Premier had contact with the DDG on 1 April 2019 in relation to an unrelated matter and the ICSSSC principal position.
321. An exchange of text messages commenced between the Deputy Premier and the DDG at 10:18am:

**DDG:** *Hi DP Got your message and also have heard back [about another matter]. Ta [the DDG].*

**Deputy Premier:** *Yep. Thanks, [the DDG]. Also keen to talk about Principal position.*

**DDG: Thanks** – *[...about the other matter]. Re principal – Yes me too. Let me know when suits. Ta.*

322. The Deputy Premier explained that her use of the word “keen”, in her usual language:

*is about prioritising a discussion, it's no more or less than “keen to get a coffee”, “keen to get that letter off”, it's I guess my vernacular it's not like “I will get a coffee now” or “I will print this letter”, it's “I'm keen to do this” or “I'm keen to do that”.*<sup>133</sup>

129 Statement of the DDG – page 13, [69].

130 Statement of the DDG – page 12, [55].

131 Statement of the DDG – page 13, [59].

132 Transcript of NTD interview with the DG – page 23, lines 1018-1020.

133 Transcript of hearing of the Deputy Premier – page 86, line 40 – page 87, line 4.





323. As to the Deputy Premier being “*keen to talk about the principal position*”, the Deputy Premier stated:

*well looking at the exchange this was about coming back to him [the DDG] after the 29th of March, his text message before the meeting with [Principal A].*<sup>134</sup>

324. The Deputy Premier stated:

*I don't know that I ever got back to [the DDG] with when suits. I didn't initiate any other contact with [the DDG] about the principal position. Then I got the text message on the 6<sup>th</sup> [of April 2019].*<sup>135</sup>

325. The Deputy Premier stated she could not recall having any discussions with the DDG between the text message exchange on 1 April 2019 and receiving the text message from him on 6 April 2019.

326. The Deputy Premier stated:

*I did not initiate contact with [the DDG] and I can't recall receiving contact from [the DDG].*<sup>136</sup>

327. The DDG stated that after further discussions with the Panel Chair they agreed that the plan going forward would be to readvertise the job as an Executive Principal, effectively going back to the original decision from July 2017.<sup>137</sup>

### **Saturday 6 April 2019 – Plans to readvertise at Executive Principal level**

328. On 6 April 2019 the Deputy Premier received a text message from the DDG which stated:

*Hi JT/DP/AP Re the principal gig – I think we should go out again and we will go out with it as an Exec Principal to see if we can attract a wider field. You happy with that approach? [unrelated matter]*

*Ta [the DDG]*

[emphasis added]

329. The DDG stated he raised “*You happy with that approach?*” with the Deputy Premier because he knew that readvertising the principal role would add a further two to three months to the appointment of the principal, which would mean not meeting the planned milestones.<sup>138</sup>
330. The Deputy Premier stated she was not aware of the decision to readvertise the principal position at an Executive Principal level until she received the text message from the DDG on 6 April 2019.<sup>139</sup>
331. The Deputy Premier stated her understanding of how the change occurred “*was a departmental process, I was not involved*”.<sup>140</sup>
332. The Deputy Premier told the CCC she did not respond to this text message.
333. The Deputy Premier stated she considered the appointment of the principal for the ICSSSC as a milestone and of relevance to her to communicate to the community.

<sup>134</sup> Transcript of hearing of the Deputy Premier – page 87, lines 6-10.

<sup>135</sup> Transcript of hearing of the Deputy Premier – page 33, line 38.

<sup>136</sup> Transcript of hearing of the Deputy Premier – page 34, lines 1-20.

<sup>137</sup> Statement of the DDG – page 13, [60].

<sup>138</sup> Statement of the DDG – page 14, [65].

<sup>139</sup> Transcript of hearing of the Deputy Premier – page 40, lines 30-38.

<sup>140</sup> Transcript of hearing of the Deputy Premier – page 40, lines 23-28.



334. The Deputy Premier stated:

*I was keen to make sure that the school had a principal because there was a lot of work that needed to be done so I had expressed, my recollection was I had expressed some dismay that the process was going to be a longer period of time before the school got a principal.*

In response to the question “you wanted the principal appointment to happen?”, the Deputy Premier responded, “Yes the commitment was that this school would open next year and we were fast running out of time.”<sup>141</sup>

### **Monday 8 April 2019 – The DG and the DDG confirm plan to proceed with an Executive Principal level**

335. Telephone records indicate the Deputy Premier attempted to telephone the DDG at 10:00am on 8 April 2019. To the best of the Deputy Premier’s recollection, this was to follow up on his text message of 6 April 2019, however, the telephone records disclose that this call only lasted 40 seconds.

336. At 10:31am, the DDG telephoned the Deputy Premier. The DDG stated:

*I restated the Department’s intended direction, as I had indicated in my text of 6 April 2019, to go out again with a new advertisement at the Executive Principal level and that I did not propose proceeding with the nomination of [Principal A]. My recollection of this conversation is that I indicated that this would take some additional time and I outlined the process that was involved in proceeding with a new advertisement. My further recollection is that the Deputy Premier indicated her agreement with the proposal and gave me an indication that she wasn’t filled with confidence having met [Principal A].*<sup>142</sup>

337. The Deputy Premier stated that to the best of her recollection, she recalled having a discussion with the DDG about the principal position after the decision was made to readvertise the principal position at an Executive Principal level.

338. The Deputy Premier stated:

*Again my recollection is that we talked about the meeting on the 29th. Again I said, “I thought that she was nervous and used a lot of education jargon which probably made sense to you [the DDG] but not so much to me”, but it was clear she was nervous. I actually don’t recall [the DDG] giving an opinion it wasn’t along. Like it, in my recollection it was the department has made a decision and they were just going through and doing their process, like it was a reflection on something that had been decided by others.*<sup>143</sup>

339. The Deputy Premier stated that she did not recall whether she stated an opinion about Principal A’s suitability to the principal position during her discussion with the DDG.<sup>144</sup>

340. As to whether the Deputy Premier expressed a view about the principal position being readvertised at an Executive Principal level, the Deputy Premier stated:

*It could have been an opinion about the process taking longer, I guess one of the issues that was front and centre of my mind was, there were lots of community conversations happening about this school and the school needed a leader.*<sup>145</sup>

141 Transcript of the Deputy Premier – page 87, line 41 – page 88, line 7.

142 Statement of the DDG – page 14, [66].

143 Transcript of hearing of the Deputy Premier – page 38, lines 6-48.

144 Transcript of hearing of the Deputy Premier – page 39, lines 23-26.

145 Transcript of hearing of the Deputy Premier – page 39, lines 1-21.



341. An exchange of text messaging commenced between the DDG and the DG at 10:39am:

*DDG: Just heard from the DP. She is happy with the EP Plan and had low confidence in the person we introduced. Will now put that plan into action.*

*DG: Ok thanks for the update.*

*DDG: Do you want me to advise the min or will you.*

*DG: I'll do it this afternoon when I meet with her.*

342. The Vice-Chancellor stated some weeks after the Deputy Premier's telephone call on 15 March 2019, the Deputy Premier telephoned him again and advised that a decision had been made to "go again".<sup>146</sup>

343. The Deputy Premier stated she could not recall telephoning the Vice-Chancellor to advise him of the decision to readvertise the principal position for the ICSSSC.<sup>147</sup>

344. Telephone records indicate the Deputy Premier attempted to telephone the Vice-Chancellor at 4:42pm on 8 April 2019.

345. At 7:04pm, the Vice-Chancellor attempted to return the Deputy Premier's telephone call.

346. At 7:22pm, the Deputy Premier telephoned the Vice-Chancellor. The telephone records disclose this call lasted for four (4) minutes and one (1) second.

347. On 8 April 2019 Minister Grace approved a briefing note acknowledging the release of the draft concept master plan on 29 March 2019 seeking community consultation and advice on her availability to attend a showcase session for the master plan. One of the key issues for Minister Grace to note in the briefing note was advice that the appointment of the principal of ICSSSC would be announced in the next few weeks. The briefing note was provided to Minister Grace's office sometime between 26 March 2019 following the endorsement by the DG and 4 April 2019 when it was noted by Minister Grace's Chief of Staff. It is worth noting the DDG endorsed the briefing note on 25 March 2019.

### **Wednesday 10 April 2019 – Deputy Premier calls the DDG**

348. On 10 April 2019 at 10:53am, the Deputy Premier called the DDG. The call lasted three (3) minutes and 29 seconds. The Deputy Premier recalls that this contact with the DDG related to other matters.

349. The Deputy Premier stated she cannot recall whether there was any discussion about the principal position during this telephone call.<sup>148</sup>

### **Thursday 11 April 2019**

350. On 11 April 2019 there were a number of text exchanges between the DDG and the Deputy Premier and two consecutive calls which lasted a total of 15 minutes and 15 seconds. To the best of the Deputy Premier's recollection, these conversations covered a range of matters, not including the principal position or the ICSSSC.

146 Statement of the Vice-Chancellor – page 5, [33].

147 Transcript of hearing of the Deputy Premier – page 77, lines 30-39.

148 Submission of the Deputy Premier dated 21 May 2020 – page 8, [26(e)].



351. According to the Deputy Premier, around this date range, possibly on 11 April 2019, the DDG advised her that the DoE had decided to go back out to recruit for the ICSSSC Principal position at the Executive Principal level. To the best of her recollection, the Deputy Premier understood that this decision was based on updated demographic modelling, to properly take into account expected growth and numbers, and the acquisition of new properties to deliver a larger school based on that modelling.
352. The Panel Chair told the CCC that she believed it was the DDG, not the Deputy Premier, who made the decision not to appoint Principal A.
353. The Panel Chair stated:

*I am not aware of any feedback from the Deputy Premier's office in relation to the meeting with [Principal A]. I am not aware of any conversation in which the Deputy Premier had said "No way" to the appointment of [Principal A]. I did not document any decisions or the meeting outcome to not appoint [Principal A] as I did not regard these as my decisions.*<sup>149</sup>

354. The DDG stated it was his decision not to appoint Principal A, a decision he made, not the Deputy Premier.
355. The DDG rejected the assertion by Counsel Assisting that the decision not to appoint was made at the request of the Deputy Premier.<sup>150</sup>
356. The DDG stated:

*I made it abundantly clear that it wouldn't be her decision or anything, it would be my decision.*<sup>151</sup>

357. The DDG stated he was not influenced by the Deputy Premier to make the decision not to appoint Principal A and to readvertise the position at Executive Principal level:

*In my opinion, the Deputy Premier did not interfere in the decision not to appoint [Principal A]. The meeting that I arranged with the Deputy Premier was to help me, as the Program owner, and [the Panel Chair] to ensure that given the original small applicant pool, that we did have the right high calibre candidate. That is, a person with the appropriate skill set, vision and commitment to lead and manage not only the school's operations and evolution from day one, but also to become one of the leaders of public and private organisations in this nation-leading knowledge precinct. I made the decision not to proceed with [Principal A's] appointment in conjunction with [the Panel Chair], based on the range of factors including the size and nature of the applicant pool and what I had seen of [Principal A's] capabilities, what I believed was required for the relevant principal role at the ICSSSC and having regard to [the Vice-Chancellor's] ongoing concern regarding the level of the role and the calibre of the applicant pool.*<sup>152</sup>

*These two [the ICSSSC and the ICNSSC] have to be excellent otherwise I will have failed and the Department would have failed.*

*Is the Deputy Premier a demanding client? Yes.*

*Does she like to be kept informed? Yes.*

*Does the Department do a good job at that always? No.*

*Does she let me know when she's displeased with our performance? Yes.*

149 Statement of the Panel Chair – page 5, [33].

150 Transcript of hearing of the DDG – page 61, line 44.

151 Transcript of hearing of the DDG – page 68, line 41.

152 Statement of the DDG – page 16, [76].



*But to say that I've, that I was or that to say that I feel [I] was influenced by her to either appoint or not appoint [Principal A] I would reject that.*

*I don't owe her any favours, not affiliated with any political party...my job as the public servant is to make sure that the tax payer money is exploited to benefit for, for the community and that what we are doing a state education system is to promote excellence and high quality outcomes...were there lots of interested eyes over this process? Absolutely.*

*As I've indicated [the Vice-Chancellor] certainly an interested party. As the local member it's undoubtedly easy to draw the conclusion that the Deputy Premier would like a successful candidate and a highly capable one in that role, as does [the Panel Chair], as does [the DG], as does [the Deputy Director-General]...I guess my job was to make sure that I delivered on my responsibility to achieve the objective of the program.<sup>153</sup>*

*I have no hesitation saying to you that I am not of the view that [the Deputy Premier] put her hand on my shoulder in any way not to appoint [Principal A] and appoint someone else.<sup>154</sup>*

*[The Deputy Premier] is a client or a customer that has asked a lot of the Department because of the prominence and the nature of these projects, and we have continued to try and build good will with her...<sup>155</sup>*

358. Each of the selection panel members, other than the Panel Chair, were of the understanding that because Principal A had been recommended for the position, an offer would be made.
359. The selection panel members and the Deputy Premier were not advised by the Panel Chair that a meeting would be and had been held between the Deputy Premier and Principal A for the purpose of further testing Principal A's capabilities for the principal position.
360. The panel members stated the meeting with the Deputy Premier to further test Principal A was not part of the agreed assessment process, was not applied to all applicants, and that Principal A should have been advised that the meeting was part of the assessment process.
361. One panel member stated it was not appropriate for a politician to get involved in the appointment of a principal.<sup>156</sup>
362. Similarly, when asked if she thought it was appropriate for senior people in her department to involve a Member of Parliament in meeting with a candidate prior to his or her appointment, Minister Grace responded, "I expect my department to follow the protocols".<sup>157</sup>

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153 Transcript of hearing of the DDG – pages 62-63, line 35.

154 Transcript of hearing of the DDG – page 68, line 47 to page 69, line 2.

155 Transcript of hearing of the DDG – pages 68-69, line 47.

156 Transcript of NTD interview with General Secretary of the Queensland Teachers Union – page 50, lines 2319-page 51, line 2340.

157 Transcript of Minister Grace – lines 3841-3845.



363. When asked if she had ever met with a candidate for a principal position prior to that person being appointed to the position (or advised of his or her appointment to that position), Minister Grace's response was, "Never".<sup>158</sup> When asked if she had ever met with a principal who was looking to apply for a principal's position and subsequently contacted a panel member about such a meeting, she replied, "No".<sup>159</sup> Furthermore, when asked if she ever has meetings with principals in relation to them applying for positions, she said, "No".<sup>160</sup> Relevantly, when asked if a principal from her electoral area was looking to apply for a job at another level, would she meet with them and provide any sort of support to them, she said, she had never been asked to do that and if she were asked she would say, "Sorry, that's an independent process. It's not appropriate".<sup>161</sup>
364. Minister Grace said that there were 354 principals appointed in 2019.<sup>162</sup> Of those 354 appointed, she met with none of them prior to their appointment.<sup>163</sup> She stated, "I've had no role in any of them".<sup>164</sup>
365. According to the Panel Chair:

*The decision not to appoint [Principal A] was impacted by the meeting that occurred with the Deputy Premier. It was an unusual situation and I am not aware of it having happened before. If the process of meeting with the Deputy Premier had not occurred, [Principal A] would likely be the Band 11 Foundation Principal at ICSSSC. Having said that, I remain of the view that the unique nature of this school warranted a principal at the Executive Principal level.*<sup>165</sup>

366. As to whether the meeting between the Deputy Premier and Principal A was the reason for not making an offer of appointment to Principal A, one panel member stated:

*I would be very disappointed in the whole process if that was the case. I think that makes a mockery of it and you know we've got 1,245 principals out there that don't deserve that...I would genuinely hope that that was not the case...I would be really upset that, that that had had any actual influence on the outcome of the position.*<sup>166</sup>

## Appointment of Principal A put "on hold"

### Thursday 18 April 2019

367. On 18 April 2019, in response to an email from DoE HR seeking advice as to whether Principal A had accepted the position of principal at ICSSSC, a staff member of the Panel Chair's office requested the appointment to be put "on hold".

<sup>158</sup> Transcript of Minister Grace – lines 2777-2788.

<sup>159</sup> Transcript of Minister Grace, – lines 2795-2802.

<sup>160</sup> Transcript of Minister Grace – lines 2795-2802.

<sup>161</sup> Transcript of Minister Grace – lines 22840-2861.

<sup>162</sup> Transcript of Minister Grace – lines 2806-207.

<sup>163</sup> Transcript of Minister Grace – lines 2806-207.

<sup>164</sup> Transcript of Minister Grace – line 2998.

<sup>165</sup> Statement of the Panel Chair – page 5, [31].

<sup>166</sup> Transcript of NTD interview with the President of the Parents and Citizens' Association Queensland – page 60, lines 2804 – page 61, line 2825.



## Principal A is told she is unsuccessful

### Friday 26 April 2019

368. On 26 April 2019 the Panel Chair notified all applicants that their applications were not successful.

369. The Panel Chair advised Principal A that she had not been appointed to the position. The Panel Chair told her:

*an additional stage will be built into the plans and the school will grow to 2000 students now, which needs executive principal level leadership with more experience to be in the role...it's not you, it's about the school, UQ want to do things differently.*

370. The Panel Chair also advised the panel members that Principal A would not be appointed to the position and that another recruitment process would be conducted seeking an Executive Principal for the ICSSSC.

371. In a statement provided to the CCC the Panel Chair stated:

*I telephoned each panel member and explained that we'd visited the Deputy Premier and had realised that Band 11 wasn't the right level of experience for this school principal and we were going to readvertise the position at Executive Principal level and conduct the recruitment process again.<sup>167</sup>*

372. The Panel Chair then sent a text message to the DDG. In it she wrote:

*ICSSSC...I just wanted to let you know that I have called all panel members and all applicants about ICSSSC. All went well. Had a long, good, chat with [the Vice-Chancellor]*

373. One of the panel members stated that some time prior to being contacted by the Panel Chair advising the position was being readvertised at the Executive Principal level, they received a telephone call from the DDG.

374. The panel member stated the DDG relayed that there had been a meeting between the Deputy Premier and Principal A. The panel member stated they were not informed why the Deputy Premier met with Principal A and described the meeting that occurred as:

*a highly unusual practice ... and .... has never heard of it happening before.<sup>168</sup>*

375. One of the panel members stated that during the telephone call from the Panel Chair, while he cannot recall the exact words used to explain that the Deputy Premier had met with Principal A:

*I can recall the impression I had at the time was that the Deputy Premier wasn't happy with [Principal A] as the principal ... and ... the Deputy Premier wasn't happy or wasn't impressed.<sup>169</sup>*

376. The reason given by the Panel Chair to the panel members that the principal position would be readvertised at the Executive Principal level was due to new demographic modelling, and the potential for enrolments had increased so the position had been re-evaluated.

<sup>167</sup> Statement of the Panel Chair – page 5, [30].

<sup>168</sup> Transcript of NTD interview with the General Secretary of the Queensland Teachers Union – page 27, lines 1222-1232.

<sup>169</sup> Transcript of NTD interview with the President of the Queensland Secondary Principals' Association – page 29, lines 1298-1320; page 32, lines 1444-1450.





377. It is important to note that at this point, there was no documentation confirming that the threshold requirements for an Executive Principal level were met. Threshold requirements under the 2016 CA were 1600 enrolments or “a special purpose”.
378. The panel members stated that up until the point of receiving the telephone call from the Panel Chair advising the position was going to be readvertised at the Executive Principal level, they were of the understanding that Principal A would be offered an appointment as recommended in the selection report.
379. The Deputy Premier stated she did not encourage anyone not to appoint Principal A or to restart the recruitment and selection process at the Executive Principal level.<sup>170</sup>

## Creation of Executive Principal position

### Thursday 2 May 2019

380. On 2 May 2019 the DG signed a briefing note which was authored by the DDG approving the establishment and advertising of the role of Executive Principal – Special Purpose for the ICSSSC for an initial period of five years.
381. A copy of the briefing note is attached at Annexure 3. The key issues stated in the briefing note and their relevant paragraph numbers were as follows:

- 1.** *The new role of Principal, ICSSSC, was recently advertised; however, the selection panel has recommended that no appointment be made due to the lack of breadth and depth in the quality of the applicant pool for this pivotal position.*
- 12.** *Initially,...it was anticipated the new ICSSSC may cater for fewer than 1500 students due to potential site constraints experiences in an urban context.*
- 13.** *Through the progression of the detailed design process, it is evident the new school will eventually accommodate over 1650 students on site. ...*
- 15.** *Section 6.2 of the Department of Education and Training State School Teachers’ Certified Agreement 2016 provides for the establishment of executive principal roles at schools that have fewer than 1600 enrolments for a special purpose.*
- 16.** *The special purposes...fit the intended use of this provision. Although the ICSSSC will eventually accommodate over 1650 students, the school will open with fewer than 1600 enrolments.*
- 18.** *The DDG, Corporate Services has discussed the proposal with the General Secretary, QTU, and there is support for the use of an Executive Principal – Special Purpose for this unique context.*

382. Paragraph 1 of the briefing note was false.
383. Both the DDG and the Principal Advisor, who had input to the briefing note, must have known that paragraph 1 was false. In relation to the Principal Advisor, she knew as early as 13 March 2019 that the panel was signing off on the appointment of Principal A, with the anticipation of the selection report being finalised by Human Resources Friday 15 March.<sup>171</sup>

<sup>170</sup> Transcript of hearing of the Deputy Premier – page 87, lines 28-31, lines 37-39.

<sup>171</sup> See [182] above.





384. The ADG,IS stated:

**CCC:** *Just before we go onto that, when you looked at the Briefing Note, you started to tell us about things you disagreed with.*

**ADG,IS:** *Yeah.*

**CCC:** *...had an issue with, and you referred to the fourth –*

**ADG,IS:** *Yeah.*

**CCC:** *- learning hub. Were there any other issues you had with that document?*

**ADG,IS:** *Oh, probably if I described it as written in a way to justify some decisions that had already been made around the numbers and so.*

**CCC:** *And when you talk about decisions that have already been made what decisions –*

**ADG,IS:** *So if we go back to the change from 1500 to 1650.*

**CCC:** *Mhm.*

**ADG,IS:** *...if we... and then we're then trying to justify that with the story in this Briefing Note. So there's a lot of information in there which is number neutral if I can describe it like that. So it doesn't matter about the number a lot of this information is still valid but it's been crafted in a way to say we've got to go with an exec principal appointment in order to make this school work.*

**CCC:** *Mm.*

**ADG,IS:** *So just I, I don't mean to disrespect it but it's written in a way to support a position.<sup>172</sup>*

385. The ADG,IS stated further:

**ADG,IS:** *... science lab and then you come up with the number at the bottom where it says you're enrol capacity looks like 'x'. So I'm guessing here where it says total permanent capacity and they've nominated the 1500 plus a 10 percent peak...I don't want to call it a conspiracy but it feels like [laughs] it's a made up number [laughs] to get us there.*

**CCC:** *Okay.*

**ADG,IS:** *I don't want to say it like that but you know it just, we would not normally describe it like that. We would normally just go with what would be the total enrol capacity be. How a principal would choose to use it beyond that it sits with this the principal.<sup>173</sup>*

386. After approving the increased level, the DG wrote to the General Secretary of the Queensland Teachers Union seeking their support to readvertise the position for the ICSSSC principal position at Executive Principal level. One of the reasons provided in support of this approach was:

*As you are aware, the new role of Principal, Inner City South State Secondary College, was recently advertised; however, the selection panel has recommended that no appointment be made due to the lack of breadth and depth in the quality of the applicant pool.*

387. The General Secretary was on the selection panel which recommended Principal A be appointed to the Band 11 Principal position.

<sup>172</sup> Transcript of hearing evidence of the Assistant Director-General, Infrastructure Services – page 102, lines 12-43.

<sup>173</sup> Transcript of hearing evidence of the Assistant Director-General, Infrastructure Services – page 105, lines 6-1.



388. On 7 May 2019, in response to the DG's letter, the General Secretary confirmed QTU's support for the reclassification of the position, but stated:

*As a member of the selection panel in the previous recruitment exercise, **I note that the reasons given for the lack of appointment are not entirely accurate**, but that is immaterial to the Union's support for the readvertisement of the position at the executive principal level.*

[emphasis added]

389. The DG states that when he received the response from the General Secretary alerting him to the reasons given for not proceeding with Principal A but readvertising, he sought an explanation from the DDG about the General Secretary's letter and its reference to paragraph 1 of the briefing note. He states that he was told by the DDG that it should have said the Chair of the panel had recommended that no appointment be made, rather than the actual selection panel.<sup>174</sup>
390. It appears that it was not until the DG questioned the DDG over a period of time that he became aware that paragraph 1 of the briefing note was false.
391. The CCC obtained information concerning the number of students who may be accommodated. This issue is addressed later in the report.
392. The CCC examined the DDG on the contents of this briefing note and specifically paragraph 1.
393. That examination went as follows:

**CCC:** *That, that is an incorrect statement?*

**DDG:** *I agree, as I said before that evidence you showed me earlier, that I don't think I've seen, then, that it is an incorrect statement. I agree with you.*

**CCC:** *Yep alright.*

**DDG:** *But I would a' again indicate that the, that that was perhaps clumsy wording from a middle Manager in Human Resources in the form of [Principal HR Consultant] attempting to a paraphrase what is as we've been discussing and inherently complex situation. An' and that, that there is also further background in that sort of paragraphs 11 through wherever 16 or 17 in relation to why we were taking the Executive Principal nomination forward.*

394. The fact remains, given the knowledge the DDG had of the selection process and the panel recommendation to appoint Principal A, he must have known that paragraph 1 of the briefing note was false. Any suggestion that the inclusion of the false paragraph 1 arose through inadvertence or any haste in which the briefing note was compiled is difficult to accept.
395. It ought to be recalled that it was the DDG who had recommended to the DG, less than 12 months earlier, on 14 May 2018, that Executive Principals for both the ICSSSC and ICNSSC were no longer the preferred approach.

<sup>174</sup> Interview with DG, 12 March 2020 – page 29, line 1371 to page 30, line 1372 and 1418 – 1420.

## Chapter 4

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### Recruitment process for the Executive Principal position

#### Monday 13 May 2019

396. On 13 May 2019 an external recruitment firm was engaged by DoE to develop an innovative national recruitment and search campaign to attract the highest calibre talent available in the market.
397. The selection panel for the Executive Principal position was chaired by the Panel Chair. The panel was the same as for the Band 11 Principal process.

### Deputy Premier meets with a potential applicant before the position is advertised

#### Wednesday 15 May 2019

398. On 15 May 2019 at 12:15pm, prior to the position being advertised, the Deputy Premier met with a potential applicant in her office at Parliament House. The Deputy Premier stated that she met with the potential applicant as a favour to a Member of Parliament who advised her that a principal for whom she had high regard was interested in applying.<sup>175</sup> The Deputy Premier stated she told the Member of Parliament, *"Of course, but I'm not involved in the process"* and that the Member of Parliament confirmed that she understood that, but that the person just wanted to understand the local dynamics.<sup>176</sup>
399. The meeting was requested by the potential applicant through the Member of Parliament as the local member for the school district where the potential applicant currently held a principal position. The purpose of the meeting was for the potential applicant to find out about the local area where the school was to be built.
400. The Deputy Premier was not the only person the potential applicant met with to gather information to assist in preparing his application.<sup>177</sup>
401. During the 15 to 20 minute conversation, they discussed the Deputy Premier's vision for the school, strategic relationship with UQ, local area dynamics, and the background and achievements of the potential applicant.<sup>178</sup>
402. The Deputy Premier stated she informed the potential applicant that she was not part of the selection process and had no influence in the process.<sup>179</sup>
403. As to her impression of the potential applicant, the Deputy Premier stated *"I thought he was lovely, yep"*.<sup>180</sup>

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175 Transcript of hearing of the Deputy Premier – page 41, line 4.

176 Transcript of hearing of the Deputy Premier – page 41, lines 3 to 10.

177 Transcript of interview with the potential applicant – page 4, lines 96-114.

178 Transcript of hearing of the Deputy Premier – page 44, lines 1-23.

179 Transcript of hearing of the Deputy Premier – page 44, lines 1-2.

180 Transcript of hearing of the Deputy Premier – page 45, line 47.



404. The potential applicant told the CCC that he held concerns that:

*UQ was going to be running the school and that he didn't want to be leading a school where he did not have full say over how it should run.*

405. The potential applicant also told the CCC that he:

*knew the Deputy Premier was critical in getting that there [the ICSSSC in her electorate] and [he] knew that UQ was critical.*

406. The potential applicant stated:

*I knew the pressures there would be politically, from UQ, and from the community with a new school.*

407. The potential applicant stated to the CCC that the Deputy Premier did not give any undertakings following the meeting.

408. The potential applicant stated that from the meeting with the Deputy Premier, he got enough information around the community, what was needed to be different and the pressures from the Brisbane State High School. The potential applicant stated the Deputy Premier “*was careful*” with the information she gave him.<sup>181</sup>

409. At the time of the meeting with the potential applicant, the Deputy Premier stated she did not know where the application process was up to “*because it wouldn't be part of my responsibility to know where the process was up to*”.<sup>182</sup>

410. The potential applicant also told the CCC he has not spoken to or communicated with the Deputy Premier since the meeting on 15 May 2019.

411. The CCC does not have any evidence that there is or was any relationship between the potential applicant and the Deputy Premier.

## **The Deputy Premier calls the Vice-Chancellor**

### **Wednesday 15 May 2019**

412. At 12:48pm the Deputy Premier called the Vice-Chancellor.

413. The Vice-Chancellor stated he was informed by the Deputy Premier that:

*she knew of a school principal who she thought would do a good job*<sup>183</sup>.

414. The Vice-Chancellor also stated:

*I do not have any notes of that conversation and I do not recall the name of the person the Deputy Premier mentioned. However I do remember that the person she mentioned was a male.*<sup>184</sup>

415. The Deputy Premier stated she could not recall precisely whether she did or did not have a conversation with the Vice-Chancellor about the potential applicant.

181 Transcript of interview with the potential applicant – page 7, lines 235-250; page 10, lines 376-379.

182 Transcript of hearing of the Deputy Premier – page 44, lines 33-47.

183 Statement of the Vice-Chancellor – page 5, [34].

184 Statement of the Vice-Chancellor – page 5, [34].



416. If the conversation occurred, the Deputy Premier stated it:

*would've been about well saying that I've just met with this fellow, he seems nice. It wasn't about putting forward a candidate...if it was a very short conversation it was probably a courtesy, it was probably about mentioning the person, not advocating for the person<sup>185</sup> and I wouldn't base an actual professional opinion about someone's capacity to be a principal based on a 15 minute meeting...I just wouldn't do that.<sup>186</sup>*

417. The Deputy Premier stated:

*she would not have said the potential applicant would do a good job: "I deny saying that. I did not know [the potential applicant]. I had just met [the potential applicant]."<sup>187</sup>*

*What she was saying though, is that she would not have put him forward as a preferred candidate.<sup>188</sup> She said "I would have relayed that I met with him but I would not said he would make a good principal. I do not know, I did not know that he would make a good principal and that is ultimately up to a selection panel to determine".<sup>189</sup>*

## **Executive Principal position is advertised**

### **Saturday 18 May 2019**

418. On 18 May 2019 the position was advertised.

## **Executive Principal shortlisting**

### **Wednesday 19 June 2019**

419. On 19 June 2019 the selection panel met to consider shortlisting 14 applications received through the external recruitment firm.

420. None of the previous candidates from the Band 11 Principal process applied for the position.

421. The selection panel stated there was a much stronger applicant pool this time. The selection panel shortlisted five applicants for interview, with one applicant withdrawing their application.

422. One of the panel members recalled that during the shortlisting meeting there was a discussion about the change of the level of the principal position from Band 11 to Executive Principal.

423. The Panel Chair is stated to have explained in words to the effect of:

*the [DoE] had considered the modelling and the experience that would be required with the new school. They [the DoE] felt that with the numbers that there was going to be a need for this position to ultimately be an Executive Principal potentially sooner rather than later because of where the numbers were sitting and so they [the DoE] had made a decision that they would make it an EP [Executive Principal] straight away.<sup>190</sup>*

185 Transcript of hearing of the Deputy Premier – page 63, lines 30-48.

186 Transcript of hearing of the Deputy Premier – page 64, lines 10-28.

187 Transcript of hearing of the Deputy Premier – page 78, line 1.

188 Transcript of hearing of the Deputy Premier – page 65, line 49.

189 Transcript of hearing of the Deputy Premier – page 66, line 1.

190 Transcript of NTD interview with panel member – page 41, lines 1889-1896.



424. According to one panel member, the Vice-Chancellor stated:

*I've met with the local member and we're happier to see that this is going to be an Executive Principal position.*<sup>191</sup>

425. The Panel Chair stated to the CCC that following the shortlisting meeting with the panel members:

*[the Vice-Chancellor] came up very close to me and quietly told me that the Deputy Premier had called him. He said that she had told him that she had met with one of the applicants and thought that he would make a great principal for ICSSSC<sup>192</sup> and [the Vice-Chancellor] gave me the impression that he wasn't aware of the name of the applicant.*<sup>193</sup>

426. The Vice-Chancellor stated he did not take any action as a result of that call and did not discuss it with any other members of the selection panel. The Vice-Chancellor stated he did not know whether the person mentioned by the Deputy Premier applied for the position.<sup>194</sup>

## Executive Principal interviews

### Friday 28 June 2019

427. Interviews were conducted. The assessment process involved a 45-minute interview with a presentation.

428. The potential applicant who had met with the Deputy Premier on 15 May 2019, as referred to in paragraphs [398 to 411], was shortlisted and interviewed, but was unsuccessful.

### Thursday 18 July 2019

429. On 18 July 2019, there was an exchange of text messages between the DDG and the Panel Chair:

**Panel Chair (5:07pm):** Panel for ICSSSC just met and finished the process.

**DDG (5:07pm):** In the way we discussed??

**Panel Chair (5:08pm):** Yes.

**DDG (5:08pm):** Well done. Is [reference to Vice-Chancellor] happy.

**Panel Chair (5:08pm):** Yes!! Very support [sic] and positive

**Panel Chair (5:08pm):** [President of the Queensland Secondary Principals' Association and panel member] recommended we get it announced before estimates.

### Monday 22 July 2019 – Wednesday 24 July 2019

430. On 22 July 2019, the Panel Chair and the President of QSPA signed the selection report.

431. At 10:38am on 22 July 2019, the DDG's Principal Advisor sent an email to a staff member within the Office of the Deputy Director-General with a task to contact the Panel Chair to organise a "candidate meeting with the local electorate office - ([Panel Chair] and [the DDG] need to meet)".

191 Transcript of NTD interview with panel member – page 58, line 2718 - page 59, line 2736. See also [398] and [409] of this report.

192 Statement of the Panel Chair – page 5, [34].

193 Statement of the Panel Chair – page 5, [35].

194 Statement of the Vice-Chancellor – page 5, [34].



432. The President P&C Qld signed the report on 23 July 2019.
433. The General Secretary of QTU signed the report on 24 July 2019.
434. The Vice-Chancellor signed the report on 24 July 2019.

#### **Thursday 25 July 2019 – Principal B offered position and more texts between the DDG and Deputy Premier**

435. At 8:23am and 9:34am the DDG sent a text message to the Deputy Premier. The same text was sent twice. They stated:

*Hi DP Hope you are doing ok after a torrid week or two. Have been worried about you. The selection panel has finalised the report for the inner south principal position - I think they are way happier than last time as am I. Do you want to meet the candidate again? Or will we just appoint and get on with it so they can start sooner as I understand you are heading off overseas. Let me know Take care. Ta [the DDG]*

436. The Deputy Premier telephoned the DDG at 11:12am having received the text messages. The telephone records disclose this call lasted for six (6) minutes and 14 seconds and most of the conversation with the DDG was at a personal level.<sup>195</sup>
437. The Deputy Premier stated she assumed this was an extension of courtesy similar to that extended earlier in the year and declined the DDG's offer to meet the candidate.
438. The Deputy Premier submitted to the CCC that she does not know why the DDG asked the question about the appointment and "*getting on with it*", stating that it was not her role to decide anything with respect to the appointment; it was a matter for the DoE.<sup>196</sup>
439. The Deputy Premier stated the DDG advised her "*they've finished it and everyone is way happier*" and he asked her whether she wanted to have a meet and greet with Principal B. The Deputy Premier stated she responded:

*look I don't think I've got time, you know this school's got to open in 2021, we just need to get on with it.*<sup>197</sup>

440. The Deputy Premier stated she did not ask the DDG or anyone else to have a chance to meet with Principal B before Principal B being officially appointed.<sup>198</sup>
441. The Deputy Premier stated that up until receiving the text message from the DDG, she did not know anything about the recruitment process including that interviews had taken place or how many applicants had applied or whether the potential applicant she met on 15 May 2019 had applied.<sup>199</sup>
442. The DG approved the selection report recommending the appointment of Principal B on 25 July 2019.

<sup>195</sup> Submission of the Deputy Premier dated 21 May 2020 – page 10, [34].

<sup>196</sup> Submission of the Deputy Premier dated 21 May 2020 – page 6.

<sup>197</sup> Transcript of hearing of the Deputy Premier – page 48, lines 29-36.

<sup>198</sup> Transcript of hearing of the Deputy Premier – page 89, lines 4-11.

<sup>199</sup> Transcript of hearing of the Deputy Premier – page 47, lines 28-45.



443. At 3:30pm the DDG sent the following text message to the Deputy Premier:

*Hi DP the DG has approved the selection report and appointment of [Principal B]. I am meeting with her at 4pm to offer her the job and confirm that she accepts and the [sic] shoot you her number and give her number to you. Have discussed announcement with the minister and given our estimates next week is Thursday, her suggestion is we announce the following Wednesday as you and I discussed via the local paper. We will prepare the release and story in your absence and be ready to go when you are back. She'll be great I think. I'll send the details through after 4. Ta [the DDG]*

444. Principal B was offered the position of Executive Principal.

445. Principal B met with the DDG and the Panel Chair in the afternoon of 25 July 2019.

446. Principal B stated the DDG congratulated her, showed her paperwork confirming the DG approving her appointment, and made an offer of appointment.

447. Principal B told the CCC the DDG then stated:

*I've been asked to ring the Deputy Premier to let her know that I've offered you the position cause she'll wanna talk to you.<sup>200</sup>*

448. In the presence of Principal B and the Panel Chair, the DDG telephoned the Deputy Premier.<sup>201</sup>

449. The Deputy Premier asked the DDG to forward her phone number to Principal B. The Deputy Premier does not accept that she told the DDG not to announce Principal B's appointment until she had returned from overseas.

450. Following his meeting with Principal B, the DDG forwarded his contact details and the details of the Deputy Premier to Principal B.

451. The DDG forwarded the details of Principal B to the Deputy Premier later that day, with the following text message:

*Hi DP [Principal B] has accepted and has your contact details. I have asked for her to wait for your call to her. Have a lovely trip. Ta [the DDG]*

452. Principal B stated she left the meeting with the Panel Chair who advised Principal B that she would report directly to her and stated to Principal B:

*you just let me know everything check everything with me...it was made very clear to me the high profile of this school, the expectation that it needed to be something great.<sup>202</sup>*

453. The Deputy Premier has denied interfering in this process.<sup>203</sup>

200 Transcript of interview with Principal B – page 6, lines 197-204.

201 Transcript of interview with Principal B – page 6, lines 208-209.

202 Transcript of interview with Principal B – page 33, lines 1488-1508.

203 Transcript of hearing of the Deputy Premier – page 77, line 23.





**Friday 26 July 2019 to Sunday 4 August 2019**

454. The Deputy Premier travelled overseas between 26 July and 4 August 2019 for the Queensland Treasury Corporation Roadshow.

**Monday 19 August 2019**

455. The Deputy Premier telephoned Principal B at 9:50am following her travel and work commitments.

**Wednesday 21 August 2019**

456. The Deputy Premier first met Principal B on 21 August 2019. This was together with Minister Grace to film a video to accompany the official announcement of Principal B as the Foundation Principal.

**Monday 2 September 2019**

457. A joint media statement was issued by the Deputy Premier and Minister Grace advising of the appointment of the new Executive Principal of ICSSSC.



## Chapter 5

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### The DG's media statement, ICSSSC demographic modelling and enrolment numbers

458. The anonymous letter referred to in Chapter 2 of this report was received by the Opposition Office on 24 September 2019.

459. On 27 November 2019, during question time, the Member for Kawana asked the Premier to respond to information about:

*the appointment process of the ICSSSC principal and alleged interference by the Deputy Premier after the selection panel had made a recommendation*<sup>204</sup>

460. The Premier was asked:

*Can the Premier advise whether [Principal A] was recommended by an independent selection panel and whether there was then a meeting with the Deputy Premier and the position was subsequently readvertised?*

461. Although the question was not asked of her, the Deputy Premier responded:

*I have never interfered in a recruitment process, and particularly in relation to this one. ... The meeting that they are referring to occurred at the request of the Department of Education ... as was the follow-up meeting with the other candidate. The advice I received from the Minister for Education was that the director-general had changed his mind in relation to the appointment because – [interrupted]*

*The director-general made the decision to change the level of principal to executive principal because further land had been acquired in the build and the school was going to be bigger ....*<sup>205</sup>

462. The Premier stated during that same question time that she had been advised by the DG that Principal A was appointed by the panel, but that the DG changed his view about the role and it was upgraded because of the size of the school.<sup>206</sup> This issue is addressed below.

### The DG's media statement

#### 28 November 2019

463. On 28 November 2019, the DG issued a media statement which was tabled in Parliament at 10.29am (see Annexure 4).

464. The media statement related to the Band 11 Principal process conducted for the ICSSSC in which Principal A was recommended by the selection panel.

465. The media statement says, in part:

*An order of merit was established through the initial recruitment process and the Department of Education initiated a meeting with the Deputy Premier which involved an informal discussion of approximately 15 minutes with the highest ranked candidate.*

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204 Hansard, 27 November 2019 – page 3827.

205 Hansard, 27 November 2019 – page 3829-30.

206 Hansard, 27 November 2019 – page 3832.



466. This part of the media statement omits a salient detail, namely that the DG's delegate had approved the appointment of Principal A to the Band 11 Principal position.
467. This section of the media statement is also misleading in respect to the status of Principal A as the Deputy Premier understood that status to be. As stated previously in this report, this meeting occurred on 29 March 2019, a fortnight after the DG's delegate had approved the appointment of Principal A.
468. The Deputy Premier was misled by the DoE as to the status of Principal A in the selection process. Firstly, on 12 March 2019 the Principal Advisor to the DDG emailed the Deputy Premier's electorate office. That email stated (in part):

*Dear [Electorate Officer]*

*..*

*To confirm, the Principal interview panel completed the interviews for the ISCSCC [sic] foundation principal last week, and the appointment is in the process of being approved by the department.*

*This will present an opportunity very shortly for a joint announcement to reveal the name of the foundation principal for this pivotal position which will lead the direction of this new college for the inner south community.*

*Ends....*

469. She was then told by the DDG in a text message 45 minutes before the scheduled meeting that Principal A had not been told she was the **"principal elect"** yet. [emphasis added]
470. Although the CCC's view is, as stated later in this report, that the Deputy Premier should not have proceeded to have had the meeting once she had this knowledge, the behaviour of the DDG and others who had planned this approach to "test" Principal A with the Deputy Premier was totally inappropriate and in breach of their responsibilities under the *Public Service Act 2008*, the *Public Service Ethics Act 1994* and the Queensland Public Service Code of Conduct.
471. The next part of the media statement is false and was designed to mislead as follows:

*I have been advised that while the panel had signed off on the appointment, new demographic modelling indicated the school would exceed 1600 students and be eligible for an Executive Principal position. Therefore no offer of appointment was made.*

*Based on departmental advice indicating the ICSSSC would be eligible for an Executive Principal position, I approved the role's reclassification at this higher level of remuneration.*

472. The CCC considers the statement that new demographic modelling indicated the school would exceed 1600 students is misleading and appears to have been included to justify the DoE's position to proceed with a principal at the higher level.
473. The approach the DoE has taken to represent the numbers to justify readvertising the position is something that has taken the CCC some time to uncover.
474. A number of senior officers in the DoE, excluding the DG, appear to have conducted themselves in a way that had led to confusion in the information provided to Minister Grace and the Premier and concealed the real reason for not proceeding with the appointment of Principal A.
475. Given the content of the DG's submissions,<sup>207</sup> including Annexure A of the submission dated 26 June 2020, the information provided to the DG by the DDG to formulate the media release, it appears that the DG was misled by the DDG.

<sup>207</sup> See Annexure 7A.



## Let's talk numbers

476. In the following paragraphs we do our best to explain how the DoE used numbers attached to terms including “built capacity”, “student enrolment numbers”, “enrolment demand” and “actual growth in numbers of school aged children” to articulate a position to justify the decision of senior officers to increase the level of the Principal position at the ICSSSC and defray the potential embarrassment which may have been experienced by those senior officers.
477. Built Capacity is the actual design capacity of all teaching spaces across a school site. It generally relates to the number of student workstations provided to a teaching space. There are no moderation factors applied. Generally it is a “book entry” capacity and is generally not achievable across a school, particularly where there is a mix of general and specialist spaces. It also does not reflect current timetabling practices and curriculum offerings.
478. Enrolment Capacity is a calculation which uses the built or design capacity of each teaching space (as above) but then applies moderating factors to reflect school timetabling practices, class sizes, etc. Different calculations are applied to P-6 and 7-12 schools. To account for the ability to match rooms to a workable timetable to balance the mix of general and specialist spaces, there is a further moderation of 0.91% allocated. For example, a secondary science laboratory will have a design capacity for 28 students but will have a student enrolment capacity of 22.9 ( $28 \times 0.95 \times 0.95 \times 0.91$ ).
479. The Detailed Business Case approved by Building Queensland on 22 March 2019 and by the Cabinet Budget Review Committee (CBRC) on 5 April 2019 confirms the construction of the ICSSSC is to be delivered in stages.
480. In relation to “built capacity”, the ADG,IS stated:

**ADG,IS:** So we often, we get the statistician office information which tends to be lag information because it's premise on previous census data and sometimes doesn't reflect what's happened today it may, it may be a year out of date, that sounds disrespect (UI) stats office but it's just the way their process works, we will quite often validate that with another piece of work to look at what growth (UI) look like, just so that we're making sure that we're keeping ahead of what has actually happened and the growth today.

So as developments occur the speed of development changes, it may overtake the projection that we had a year ago. So (UI) we try and keep up to date with relevant information. So in starting the thinking for a school, and we start with what is the population growth going to do? What was student, or resident student numbers look like in that year out, start of that population growth, there's a formula that the stats office use to calculate based on types of residential properties, what's the yield in terms of kids coming out of that to then generate what a resident student number might look like.

So resident student number is the kids living within what might be a catchment for that school. So that's the starting point to figure out what size school do we need?

So I'll use your number 1500, we would then build a school which has enough flexibility to allow the school to operate. So we talk about student enrolment number which is the 1500, number you just referred to, we will then talk about a built capacity.

So a secondary school particularly needs some flexibility in terms of having spaces to move kids to, you can't have a child in every seat on every hour of every day, because then there's no ability to move between classes, so the built capacity is premised on, if I take this room for example, every seat is full, that's the built capacity. It, you don't fill a school to that, you don't enrol to that number, cause it's just not possible to (UI) the school. So people will often talk about those two, those two numbers, enrolment number and a built capacity number.

But at starting the process, how many students do you think we're gonna have and then if I these the school, so each of those learning hubs the first one, the built capacity it's something like 970.

**CCC:** Actually sorry I will give that back um that footprint, sorry master plan.

**ADG,IS:** [Laughs] Should I keep this for the duration?



*CCC: Yes please keep it don't hand it back when I say hand it back.*

*ADG,IS: I won't let it go again. So if like, so.*

*CCC: I will get you to write down how many students are going to be in those learning hubs.*

*ADG,IS: So I will call it the built capacity.*

*CCC: Oh its built capacity?*

*ADG,IS: Yep so that's the number that I refer to when I'm gonna build something.*

*CCC: Okay so we refer to built capacity?*

*ADG,IS: Yep so now this, may need to be checked this is just my recollection of-*

*CCC: Yep.*

*ADG,IS: -the number, 970 is the built capacity for each of those three learning hubs.*

*CCC: 970 in each?*

*ADG,IS: Yep.*

*CCC: So that's the built capacity?*

*ADG,IS: That's the built capacity.*

*CCC: Okay.*

*ADG,IS: And that, then you can enrol, and the student enrolment number is -X- [UI] over time if I can describe it like that. So once the schools operating, the principal may choose to go to 80 percent of the built capacity or 85 percent of built capacity.*

*CCC: Okay.*

*ADG,IS: They even go to 90 percent depending on how the growth is happening in and around the community.*

*CCC: So who decides that?*

*ADG,IS: So the principal.*

*CCC: The principal does?*

*ADG,IS: Yep and the, and the Regional Director would work with the principal around that. That's as things evolve through time and as communities grow, then there has to be some flexibility in how the school operates and uses timetabling in a smart way.*

*CCC: And that through is that sorry I didn't mean to cut you off, is that through like the enrolment management plan?*

*ADG,IS: Management plan.<sup>208</sup>*

*CCC: [Assistant Director-General, Infrastructure Services] is it correct to summarise it this way, the built capacity can be used to determine how many students at school can fit into the school is it exactly right?*

*ADG,IS: Yes but you-you would never do that that's occupying every seat on every hour of every day.<sup>209</sup>*

481. The ADG,IS stated the ICSSSC is planned for a maximum built capacity of 1940, comprised of a maximum of 970 for each of the two learning hubs which are being constructed.<sup>210</sup>
482. The footprint of the land upon which the ICSSSC is being constructed does allow for a third learning hub with a built capacity of 970. This learning hub **has not been approved and there is no approved or allocated funding for it.** [emphasis added]

208 Transcript of hearing evidence of the ADG,IS – page 26, line 41 to page 28, line 35.

209 Transcript of hearing evidence of the ADG,IS – page 36, lines 27-33.

210 Transcript of hearing of the ADG,IS – page 27, lines 22 and 47; page 28 line 1; page 30, lines 2 and 23.



483. The ICSSSC is being delivered in multiple stages.
484. The April 2019 CBRC business case includes the following student accommodation forecast:
- Term 1, 2020 – 250 students (Year 7)
  - Term 1, 2022 – an additional 500 students (Years 8 and 9)
  - Term 1, 2024 – an additional 750 students (Years 10, 11 and 12)
  - This would accommodate a total of 1500 students.<sup>211</sup>
485. To summarise, the CBRC approved the project on the basis of a student enrolment of 1500 by Term 1, 2024.

### The “new” demographic modelling

486. In January 2019, the DoE received an updated report forecasting the demand for government schools in the inner city areas of Brisbane based on population growth forecasts.
487. The January 2019 report updated a study obtained by the DoE in 2017 which was completed prior to the release of the 2016 census data. The 2017 study relied on population estimates produced between census years, which are not as reliable as census data.<sup>212</sup>
488. The January 2019 report projects a demand of an additional 6000 school places by the **year 2038** in inner city Brisbane, which could increase if the number of parents choosing state schools over private schools increases.<sup>213</sup> [emphasis added]
489. The CCC does not make any comment in relation to the reliability of the content contained in the January 2019 report but does acknowledge that forecasted population growth and demographic changes would likely impact enrolment demand on state secondary schools within the inner city areas of Brisbane.
490. The concern the CCC has in relation to the conduct of those in the DoE is that they had this data in late January 2019, the same time they first advertised the position of Principal but at the Band 11 level.
491. What had not changed is the expected student enrolment numbers of 1500 by Term 1, 2024. That information formed the basis of the approved business case and the decision of the CBRC to approve the project in April 2019.
492. The CCC conducted a number of interviews with staff of the Infrastructure Services Branch, DoE and the Building Future Schools Program to ascertain whether the decision not to appoint Principal A to the principal position of the ICSSSC was, as publicly stated by the DG and relied upon in Parliament by the Premier, because new demographic modelling supported the reclassification of the principal position at the Executive Principal level.
493. During these enquiries, a large volume of documentation relating to the ICSSSC project was also examined.

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211 Chapter 1 – Executive Summary – Inner City South State Secondary College Project March 2019 – page 13 table 5.

212 Inner City Enrolment Study January 2019 – page 33.

213 Inner City Enrolment Study January 2019 – page 31.



494. Our enquiries found that the concept master plan was developed based on the site footprint of the total land that was intended to be purchased or compulsorily acquired by the DoE. The concept master plan had not changed from that which was released for community consultation on 29 March 2019.
495. The master plan shows capacity for a further learning hub to be constructed in the future to meet enrolment demand growth. This construction would be subject to approval and funding.
496. Around the time of the DG's media statement, the ADG,IS asked the Program Director to provide him with the demographic modelling referred to in the media statement. The ADG,IS told the CCC that he then provided the January 2019 report to the DG.<sup>214</sup> There is no evidence that the ADG,IS provided any other information to assist the preparation of the media statement.
497. The CCC has confirmed that no independent demographic modelling subsequent to the January 2019 report had been commissioned by her or a member of her team.<sup>215</sup>
498. The Program Director, responsible for the building of the ICSSSC, stated the master plan for the ICSSSC had not changed.<sup>216</sup> The ADG,IS also confirmed this.<sup>217</sup>
499. The Program Director told the CCC the ICSSSC is being built to an enrolment capacity of 1500 students.<sup>218</sup> This is the same as the ICNSSC which has an enrolment capacity of 1500 students.<sup>219</sup>
500. The ADG,IS told the CCC that while the built capacity is 1940, you never seek to have a student enrolment equal to the built capacity. He also said that it is the Principal's role to determine how many students will be enrolled in the school.
501. The CCC considers that the actions of some in the DoE have resulted in the DG unwittingly misleading Minister Grace and the Premier.
502. In relation to the January 2019 report, the ADG,IS stated:

**ADG,IS:** ... I go back to my conversation about the SGS report, it doesn't give me a number.

**CCC:** No.

503. *ADG,IS: So the reference here to the new demographic modelling indicating exceeds 1600 students is in my belief I can't, I couldn't validate that. I, I haven't got anything to validate that number and it goes back to all the previous comments I've made around, I've got nothing to say, there's nothing on the SGS report which says 1600 is your new number.*<sup>220</sup> In response to a media enquiry following the release of the media statement on 28 November 2019, ADG,IS sent an email to the Principal Advisor to the DDG at 2:03pm titled "Dot Points for media response". That email is Annexure 5.
504. He appears to have been careful with the language he used. Nothing in his email is actually false, however, he has not articulated a clear position on the business case approved to support the CBRC decision in April 2019, that is, the school is being built for an enrolment of 1500 students by Term 1, 2024.

214 Transcript of hearing of ADG,IS – page 83, line 9 to page 84, line 18.

215 Transcript of NTD interview of the Program Director – page 28, lines 1247-1254.

216 Transcript of NTD interview of the Program Director – page 23 lines 1032-1034.

217 Transcript of hearing of ADG,IS – page 16, line 27 to page 17, line 19.

218 Transcript of NTD interview of the Program Director, Building Future Schools Program – page 11, lines 439-451.

219 Transcript of NTD interview of the Program Director, Building Future Schools Program – page 11, line 474 – page 12, line 476.

220 Transcript of hearing of ADG,IS – page 81, lines 28-35.





505. The ADG,IS told the CCC that he, along with others in the Building Future Schools Program and Infrastructure Services area of the DoE have been “anxious” ever since this issue was raised in Parliament and since the DG’s media statement. He stated:

**CCC:** *When this came up in parliament was anyone in the department anxious about it?*

**ADG,IS:** *I think we were all a little bit anxious about it -*

**CCC:** *All right.*

**ADG,IS:** *- me included. Having been part of some of the conversations as I’ve said before I, there is nothing there’s nothing on a piece of paper which says we’ve now come up with the new number 1650 –*

**CCC:** *Mm.*

**ADG,IS:** *- for these reasons which then justifies us taking it to a different thing. And, and if I take your point earlier on sir when you talked about they’re only going to get 250 kids in year one, year two its 500 and it’s a number of years before you even get to your magic 1600 number. There are any number of schools, new schools that we build where we don’t appoint exec principal’s but know full well they’re going to get past 1600 in their, in their life. So yes people, there is a number of people who are anxious about this and I think there’s a level of feeling somewhat exposed around the whole process.*

**CCC:** *All right.*

**ADG,IS:** *Cos it’s just not the evidence to...to justify it.*

**CCC:** *Okay.*

**ADG,IS:** *And it you know personally has put me in an awkward position around the 1500 and 1650 number in trying to. I know what the school’s been built for I know you can get past 1500 but I don’t know when that will be or if that will be a thing, so yes anxious is good word.*

**CCC:** *All right. Was there anyone telling anyone else to you know not talk about it if they were asked or if they were asked make sure you say this?*

**ADG,IS:** *And well yes and it goes to the heart of some of the emails that we’ve seen from [Manager of Building Future Schools Program] and in the commentary in your meeting minutes we need to come up with a number and that’s the new number and that’s how we’ll frame the conversation from here on in.*

**CCC:** *I’m talking about after it was raised in parliament.*

**ADG,IS:** *No specific sort of don’t say anything commentary that I’m aware of.*

**CCC:** *Mm.*

**ADG,IS:** *And again you know it’s not it’s not something that I would have said to people don’t talk about it don’t mention it.*

**CCC:** *Mm.*

**ADG,IS:** *It’s there we know it’s there and it’s hence the feeling anxious and hence some are concerned about this the situation we’re in right now.*

**CCC:** *After it was mentioned in parliament did you notice if [the DDG] was anxious about it?*

**ADG,IS:** *Yes.*

**CCC:** *And how did that manifest itself?*

**ADG,IS:** *Oh in a number of conversations about there is no evidence to justify how we’ve got to this point. And so if people dig into it there’s no substance behind it.<sup>221</sup>*

221 Transcript of hearing evidence of the ADG,IS – page 115, line 9 to page 116, line 25.



506. It is a pity their anxiety did not translate to reporting the deceptive conduct.
507. The ADG,IS must have known, at that time, the purpose of the media statement was to justify the decision to have an Executive Level principal.
508. The DoE continued to mislead Minister Grace and the Premier in early 2020.
509. On 18 February 2020, the Premier stated in Parliament:

*I understand that the final footprint was locked in in late March 2019. It showed that the school could accommodate more students than originally anticipated. In addition to the increased footprint, new demographic modelling provided to the department in January 2019 showed that the inner-south area was forecast to have a higher than predicted number of secondary students. The study identified the potential demand for an additional 6000 school places over the next two decades. With the school now being designed to accommodate more students than originally anticipated, the school became eligible for an executive principal. In May 2019, the director-general approved the position to be readvertised as an executive principal position. That is my advice from the education minister.*

510. The Premier indicated to Parliament that the change in level of principal was because further land had been acquired and the ICSSSC would be a bigger school.<sup>222</sup>
511. As stated above, the footprint of the land upon which the school is being built does allow for a third learning hub for additional enrolment capacity. However, the third learning hub is not funded and has no approval to proceed. It may never be built.
512. In line with the DG's media statement on 28 November 2019, the DDG stated that his decision not to appoint Principal A and to readvertise the position as an Executive Principal was also based on demographic modelling at hand and the new architectural design that would cater for 2250 [students].<sup>223</sup>
513. The DDG appears to be factoring in an additional 750 students above the 1500 projected enrolments to get to his 2250 students figure. As stated above, that is based on an extra learning hub which has not been approved or funded to be built.

### **Instructions were given to falsify the numbers and to delete official documents**

514. The DDG has said he relied on an enrolment number of 2250 students for the ICSSSC when he decided not to appoint Principal A.
515. The Award, as previously indicated, provides that the DG will not engage an executive principal in a school unless it has enrolments greater than 1600.<sup>224</sup> A school that exceeds the 1600 enrolment threshold over two consecutive day 8 enrolment periods becomes eligible for conversion as an Executive Principal and approval is then sought from the DG to establish an Executive Principal at the school. To maintain Executive Principal status, the school must exceed the 1600 threshold in the ensuing years.<sup>225</sup>
516. As stated earlier in this report, the 2016 CA provides that the DG may engage an Executive Principal in a school of fewer than 1600 enrolments for a special purpose as determined by the DG.

222 Hansard, 27 November 2019 – 3829-30; 3832.

223 Transcript of hearing of the DDG – page 56, line 36.

224 Section 12.3.1(a) of the Teaching in State Education Award – State 2016.

225 Email of the Principal HR Consultant, DoE dated 29 May 2020.



517. There is no specific definition of “special purpose” and the 2016 CA does not provide a benchmark for student enrolment numbers for these special purpose roles. The DG has discretion to approve the establishment of an Executive Principal – Special Purpose.
518. The only reasonable explanation for the deception is to cover the embarrassment the DDG may have suffered for recommending a Band 11 Principal for both new schools in the briefing note approved by the DG in May 2018.
519. The irony is that under the 2016 CA a “special purpose” could have been successfully argued without regard to enrolment numbers.

### **Change the numbers on all the documents**

520. In the month prior to the DG signing the briefing note on 2 May 2019, the Principal Advisor to the DDG instructed the Building Future Schools Program team to ensure that all ICSSSC materials moving forward used “over 1600” instead of “up to 1500” when referencing student enrolment numbers.
521. The CCC has reviewed project documentation such as environmental assessment reports, traffic impact assessment reports, briefing notes, and Project Control Group (PCG) meeting minutes.
522. The CCC’s examination has identified there was a change in the recording of the student enrolment numbers for the ICSSSC from around April/May 2019, when the Principal Advisor instructed the Building Future Schools Program team to increase the student enrolment numbers in all documentation.
523. The enrolment number of 2250 students is significantly disproportionate to the forecast student numbers reflected in the documentation reviewed by the CCC.
524. The April 2019 version of the environmental assessment report states the delivery of the ICSSSC is to accommodate for up to 1500 students.<sup>226</sup>
525. The May 2019 version of the environmental assessment report states the delivery of the ICSSSC is to accommodate a student enrolment for up to 1500 students with a built capacity for up to 1650 students.<sup>227</sup>
526. The June 2019 version of the environmental assessment report states the delivery of the ICSSSC is to accommodate a student enrolment for up to 1500 students with a built capacity for up to 1940 students.<sup>228</sup>
527. The August 2019 version of the environment assessment report states the delivery of the ICSSSC is to accommodate a student enrolment for up to 1650 students with a built capacity for up to 1940 students.<sup>229</sup>
528. The PCG meeting minutes corroborate the changes in student enrolment numbers as reflected in the environmental assessment reports.
529. The PCG meeting minutes dated 14 May 2019 and 21 May 2019 contain an entry that the Project Coordinator and Chair of the PCG is:

*to send [an] email in relation to student numbers so all can make a standard response when asked.*

226 Environmental Assessment Report – Inner City South State Secondary College – April 2019, page 6.

227 Environmental Assessment Report – Inner City South State Secondary College – May 2019, page 6.

228 Environmental Assessment Report – Inner City South State Secondary College – June 2019, page 6.

229 Environmental Assessment Report – Inner City South State Secondary College – August 2019, page 6.



530. The PCG meeting minutes dated 21 May 2019 contain an additional notation:

*Comment is 1500 enrolment with 1650 build capacity.*

531. It is not until 11 June 2019 that the notation in relation to enrolment and build capacity is increased to “1650 enrolment with 1940 build capacity”.

532. The changes in student enrolment numbers identified in the ICSSSC documentation outlined above followed the instruction by the Principal Advisor to the Building Future Schools Program team.

533. On or about 12 April 2019, the Program Director stated the Principal Advisor to the DDG telephoned and requested:

*you have to change all documents from 1500 to 1600, everything, everything’s got to be changed, you’ve got to do it now.*<sup>230</sup>

534. The Principal Advisor stated this instruction was passed on after the DDG told her she needed to make sure all documents contained the updated numbers.<sup>231</sup>

535. The Program Director explained that changing the enrolment figure from 1500 to 1600 in all documents would cause a problem because the environmental assessment report to be submitted as part of the development application addressed issues such as traffic based on an enrolment capacity of 1500, not 1600.

536. The Program Director told the CCC that an increase in enrolment figures would likely result in a need to change the size of the carpark or the drop and go zones, or the bus zones. The Program Director was concerned that by changing the enrolment figures the project would be pushed back months and the application needed to be submitted for approval to commence building.

537. Following this telephone call from the Principal Advisor to the DDG, the Program Director contacted the ADG,IS to enquire what was going on and was told by the ADG,IS “***do it, make that happen***”<sup>232</sup> [emphasis added].

538. When asked about this by the CCC, the ADG,IS stated:

*The decision had been made .... there’s no point in fighting against it.*<sup>233</sup>

539. The Program Director told the CCC that following the instruction from the Principal Advisor to the DDG and the confirmation from the ADG,IS, the Manager of the Building Future Schools Program sent an email to the Building Future Schools Communications Team advising that they had to change all references of 1500 student enrolment capacity to 1600 or 1650.

230 Transcript of NTD interview of the Program Director, page 33, lines 1510-1514.

231 Transcript of interview of the Principal Advisor – page 195, line 9259, page 196, line 9286.

232 Transcript of NTD interview of the Program Director – page 33, line 1530 – page 34, line 1550.

233 Transcript of hearing of the ADG,IS – page 74, lines 40-41.



540. At 1:27pm on 12 April 2019, in accordance with this advice, the Manager of the Building Future Schools Program sent an email to all staff of the Building Future Schools Communications team. That email is at Annexure 6 and it stated:

*Hi Team*

*Can we please ensure that we use “over 1600” instead of “up to 1500” in all Inner City South State Secondary College materials moving forward.*

*Also, can we please check our current publicly facing materials, including our website, and incorporate the change above.*

541. The Principal Advisor was copied into this email.
542. The Manager of the Building Future Schools Program then received a telephone call from the Principal Advisor instructing that the email be deleted and for those who received it to also delete it.<sup>234</sup>
543. Although the email had been deleted it was recovered from the DoE server as part of this investigation.
544. The instruction to change the student enrolment capacity from 1500 to 1600 given by the Principal Advisor was understood by members of the Building Future Schools Program to be an instruction from the DDG.<sup>235</sup> The Principal Advisor stated that everything she did in respect of this matter was done at the instigation or instruction of the DDG.<sup>236</sup> The DDG however claims that the Principal Advisor had “rushed ahead” and given instructions, with the intent of consistently having the enrolment level outlined in a range of documents.
545. There is no evidence that the DG was aware of the alteration of the numbers or of the instruction to delete records.

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234 Transcript of NTD interview of the Manager of Building Future Schools Program – page 60, lines 2796-2820; page 65, line 3063; page 66, line 3065.

235 Transcript of NTD interview of the Program Director – page 41, line 1884.

236 Transcript of interview of Principal Advisor – page 153, line 7224 to 7227.



## Chapter 6

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546. This investigation has raised two main issues of concern:
- That public sector recruitment and selection processes in Queensland are fair and transparent, and that those appointed to take part in selection panels conduct themselves in a way that promotes public confidence in public administration, and
  - That Queensland public sector processes are not undermined, or seen to be undermined, by political influence.
547. While the allegations received involved a politician, they also required an examination of the actions of public servants involved in the selection process and of some members of the selection panel.
548. The conduct described to the CCC during the course of its investigation raises serious concerns that, if behaviours such as these were to be regularly occurring across the public sector, it would demonstrate, at the very least, gross misjudgement on the part of elected officials, senior bureaucrats and their staff of community expectations of those employed in the Queensland Public Service.
549. The community expects that the considerable salaries that it pays to its public servants, especially the most senior, ensure that they be professional, trustworthy and act transparently in the public interest, not their own.
550. If people whose salaries are being paid by the public act otherwise, then either they do not know what the community expects, or they simply do not care.
551. The public should certainly not be expected to tolerate either.
552. Further, and specific to this matter, any member of the community who is eligible to apply for a position within the Queensland Public Service should be confident that their application will be taken seriously, and that they will be treated respectfully and that the decision will have been made carefully, without bias or prejudice or for some unrelated and unstated reason, regardless of whether or not they are ultimately successful.
553. If those who aspire to serve the community become the subject of inappropriate communications, and untruthful decision-making, justified by deceptive and self-serving versions of events, culminating in media speculation and harassment, then the best and brightest will turn away from the Queensland public service and the community will be the poorer for it.
554. System leadership occurs in a complex, at times ambiguous and often intense operating environment and that when senior executives work in support of the government of the day:
- they operate at the interface of a political environment, but are expected to provide apolitical and independent advice;
  - they are subject to constant pressure, direct and inferred, heightened by the power imbalance given the authority and influence of Ministers over senior executives; and
  - they are engaged on fixed term contracts (typically three to five years) with renewal influenced by Ministers.



555. The CCC recommends mandatory induction and awareness training for Ministers, their key advisers, Directors-General and their Deputies to ensure all parties are clear on expectations, responsibilities and accountabilities in effective and ethical public service system leadership.
556. The CCC recommends the Public Service Commission, with support of the CCC and the Department of the Premier and Cabinet deliver system awareness and individual accountability training to newly appointed Ministers, their senior staff, Directors-General and newly appointed Deputies.
557. The CCC recommends consideration be given to reform concerning job security of chief executives and separating chief executives from influence of Ministers and align such decisions to the performance management system administered by the head of the public service, the Director-General of the Department of the Premier and Cabinet and the Public Service Commissioner.

### The public service in a Westminster system

558. The concerns articulated above do not exist in a vacuum. They exist within a context of traditions, conventions and principles and, of course, legislation. And the concerns also exist in the context of community expectations about the professionalism and non-partisanship of the Queensland Public Service.
559. Like the Australian Public Service, the Queensland Public Service operates in the Westminster tradition. In a report relating to a recent review of the Australian Public Service, the following was said in relation to the Westminster tradition:<sup>237</sup>

*Grounded in nineteenth-century British practice, but evolving still, this tradition broadly requires:*

- *public servants to provide high-quality, independent and evidence-based advice to the Government, and implement the Government's decisions efficiently, effectively and ethically*
- *public servants to ensure that their advice and implementation, or the perceptions of these, are not affected by political factors*
- *mutual respect between public servants and ministers and parliamentarians, and between public servants themselves, to allow a free flow of ideas and information and ensure that responsibility for decisions is taken as and when required*
- *a career structure for public servants that is independent and based on merit, and*
- *stakeholder confidence that decisions by public servants are not affected by their personal, financial, political or other interests or those of their relatives or friends.*

560. The review of the Australian Public Service strongly reaffirmed the Westminster tradition as the system to base the Australian Public Service's foundations, rejecting:

*"any move towards a partisan 'Washminster' model, whereby agency heads change when governments change and senior public servants have clear political allegiances." Amongst other things, the review noted that retaining a Westminster foundation "delivers an impartial and professional public service which underpins trust in the institution and, by extension, democracy."*<sup>238</sup>

<sup>237</sup> D Thodey, G David, B Hutchinson, M Carnegie, G de Brouwer and A Watkins, *Our Public Service Our Future – Independent Review of the Australian Public Service*, Commonwealth of Australia, 2019, page 88.

<sup>238</sup> D. Thodey et. al., 2019, page 89.



561. The report stated that:

*The modern Westminster principles of government remain essential: an apolitical, merit-based, and open public service, underpinned by integrity, serving the Government, Parliament and the people of Australia. These principles must be reinforced and supported.*<sup>239</sup>

562. Similarly, a recent review of Queensland's public sector employment laws<sup>240</sup> recommended, amongst other things, that:

*Employment in the Queensland Public Sector should continue generally to be ongoing employment, reflecting Westminster principles*<sup>241</sup> (recommendation 3); and

*The Act [a reference to a new Public Sector Act recommended by the Report] should retain the primacy of the merit principle, restated in terms that acknowledge merit and diversity working together to ensure employment decisions prefer the person best suited for the job* (recommendation 24).

563. In a 2016 article, *Goodbye, Westminster: is our political system dying or just evolving?*, Mulgan said that:

*"the core values of a Westminster-based public service will be taken to centre around a career-based professional service, appointed on merit and offering impartial service to ministers, including free and frank advice" and noted, amongst other things, that "if public servants feel discouraged from being forthright with their superiors, the underlying purpose of a professional public service is frustrated"; "any perceived support for one side of politics immediately undermines the perception of political neutrality that is essential for a professional public service"; and "however we reinterpret the Westminster tradition, one of its foundations must be that the career public service is equally trusted by all sides of politics".*<sup>242</sup>

564. From a legislative perspective, one of the main purposes of Queensland's Public Service Act is to:

*establish a high performing **apolitical** public service that is:*

*(i) responsive to Government priorities; and*

*(ii) focused on the delivery of services in a professional and non-partisan way.*<sup>243</sup> [emphasis added]

### Appointment on merit

565. Merit appointment was the founding principle in our Westminster public service tradition, dating back to the Northcote–Trevelyan report of the 1850s.<sup>244</sup>

566. The Public Service Act provides that the selection of an eligible person for an appointment or secondment as a public service employee must be based on merit alone.<sup>245</sup>

567. These provisions are consistent with traditional views of the public service which prevail in many jurisdictions whose systems of government are based on Westminster principles.

<sup>239</sup> D Thodey et. al., 2019, page 8.

<sup>240</sup> P Bridgman, *A fair and responsive public service for all – Independent review of Queensland's state employment laws – May 2019*, State of Queensland, 2019.

<sup>241</sup> Ongoing employment is a reference to the concept of a permanent public service, that is, one where employees are not subject to termination on political grounds (see page 33).

<sup>242</sup> R Mulgan, "Goodbye, Westminster: is our political system dying or just evolving?", *The Sydney Morning Herald*, Sydney, Australia, 30 July 2016.

<sup>243</sup> *Public Service Act 2008*, s. 3(1)(a).

<sup>244</sup> S H Northcote and C E Trevelyan, *Report on the Organisation of the Permanent Civil Service*, Her Majesty's Stationery Office, 1854.

<sup>245</sup> *Public Service Act 2008*, s. 27(1).





## Public Sector Ethics Act 1994

568. The apolitical nature of the public service is also reflected in section 6(b) of the *Public Sector Ethics Act 1994* and in section 1.1 of the Code of Conduct for the Queensland Public Service.
569. The Code of Conduct also requires Chief Executives and Senior Executive Service officers to visibly demonstrate and uphold the principles and values of the Public Sector Ethics Act and promote an organisational culture that values high ethical standards and behaviour.
570. *Leadership competencies for Queensland* is published for public sector employees by Queensland's Public Service Commission, an "independent central agency of government with key responsibilities for workforce policy, strategy, leadership and organisational performance across the Queensland public service".<sup>246</sup> *Leadership competencies for Queensland* speaks of, amongst other things, "making considered, ethical and courageous decisions ...".

## Ministerial Code of Conduct

571. Queensland's Ministerial Code of Conduct (appendix 1 to the Ministerial Handbook) states that:

*Ministers will also accept that the talents and abilities of public servants should be maximally available to the people of Queensland. Ministers should employ the talents of public servants to their fullest, whatever the political preferences of those public servants may be, provided only that those public servants behave in accordance with the Westminster convention of public service neutrality.*

572. Another feature of a system of government based on Westminster principles is that ministers are responsible for their portfolios, with chief executives (or directors-general) being key to the discharge of that responsibility.<sup>247</sup>

## The role of Minister Grace and the role of the Deputy Premier

573. Minister Grace has portfolio responsibility for the DoE in Queensland.
574. The Deputy Premier did not, of course, have portfolio responsibility for the DoE. She did, however, hold the position of Treasurer in addition to being the Deputy Premier. She was also a senior government figure and a member of Cabinet, a group with constitutional recognition in Queensland.<sup>248</sup>
575. The Deputy Premier had the capacity to, and did, exercise considerable influence with respect to the prioritisation of government initiatives and their implementation. An Electorate Officer said that the Deputy Premier felt it was important that the principal was a guiding voice in terms of the community around the school<sup>249</sup> and "she'll fight very hard for what she wants".<sup>250</sup>
576. A discussion of the politicisation of the public service is outside the scope of this report. The undesirability of politicisation has been examined in many academic papers and publications, often in the context of a discussion of the vulnerability of department heads upon a change of government.<sup>251</sup>

<sup>246</sup> <https://www.qld.gov.au/about/how-government-works/government-structure/public-service-commission/about>.

<sup>247</sup> P Bridgman, 2019, p. 12.

<sup>248</sup> Constitution of Queensland 2001, section 42. Although the provision refers to Cabinet's collective responsibility to Parliament, the failure to provide for individual ministerial responsibility to Parliament has been lamented - see Submission by the Clerk of the Parliament, dated 3 February 2020, found at <https://www.parliament.qld.gov.au/documents/committees/EGC/2019/Electoralexpenditurecaps/submissions/073.pdf>, page 11.

<sup>249</sup> Transcript of Electorate Officer for the Member for South Brisbane – line 3217-3218.

<sup>250</sup> Transcript of Electorate Officer for the Member for South Brisbane – line 3258.

<sup>251</sup> See, for example, P Diamond, *The End of Whitehall? Government by Permanent Campaign*, Palgrave Macmillan, 2019; R Mulgan, *Politicising the Australian Public Service*, Research Paper 3 1998-99, Politics and Public Administration Group, 1998.





577. Thirty-one years ago, the Fitzgerald Commission of Inquiry into corruption and misconduct in the Queensland police force stated:

***A system which provides the Executive Government with control over the careers of public officials adds enormously to the pressures upon those who are even moderately ambitious. Merit can be ignored, perceived disloyalty punished, and personal or political loyalties rewarded ... One of the first casualties in such circumstances is the general quality of public administration ... The process of giving advice becomes incestuous. It is more about confirming opinions than challenging them ... Cabinet Ministers should not be concerned with public service appointments, promotions, transfers and discipline ... The more important the office, the more imperative that those appointments be made with scrupulous propriety ... it would be wrong for those who know politicians and senior bureaucrats to be preferred, while a pool of talent is ignored or disqualified for no good reason.***<sup>252</sup> [emphasis added]

578. The value of the capacity of the public service to offer equally loyal and professional support to successive governments has been referred to in support of a non-politicised public service.<sup>253</sup>
579. It has also been noted that political pressures have always affected the administration of public affairs in democratic government, but,

*... the mere presence of pressures that pose a risk to the impartiality of the public service does not necessarily mean that the institution cannot cope with these pressures. It depends on the institutional strengths and defences of the nonpartisan public service.*<sup>254</sup>

580. The point to be noted here is that relevant legislation in Queensland requires a public service free from political influence. The CCC considers that this is also consistent with public expectations.
581. Under the Public Service Act, a chief executive is subject to the directions of the departmental Minister in managing the department.<sup>255</sup> However, and importantly, in making decisions about particular individuals, the chief executive must act independently, impartially and fairly and is not subject to direction by any Minister.<sup>256</sup>
582. In short, recruitment decisions in the Queensland Public Service must be based on merit and be free from political influence – whether overt or otherwise.
583. Also, and importantly, they must be seen to be so through adherence to transparent processes within a sound framework of recruitment and selection policies and procedures that are compliant with and meet the outcomes required by the Public Service Act.
584. Although public servants in a Westminster system of government have a clear duty to respond promptly and professionally to Ministers' requests for advice or information, they can, for a variety of reasons, not least of which is the advent of contract employment, feel pressure to do so.
585. The CCC submits that in some cases public servants may feel pressure to be "over-responsive". The conduct uncovered here demonstrates the real danger of public servants being "over-responsive" or "over-sensitive" to the perceived wishes of their political masters.

252 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct*, Government Printer, Brisbane, 2019, pp. 130-131.

253 R Mulgan, 2016.

254 P Aucoin, "New Political Governance in Westminster Systems: Impartial Public Administration and Management Performance at Risk", *Governance: An International Journal of Policy, Administration, and Institutions*, Vol. 25, No. 2, April 2012 (pp. 177-199).

255 *Public Service Act 2008*, s.100(1).

256 *Public Service Act 2008*, s.100(2).



586. The risk of it occurring is something all Ministers and all public servants should be mindful of. If Ministers engage in conduct designed to have this effect, they are undermining the conventions that govern political-administrative relationships, and public servants who succumb to the pressure are failing to discharge their duty.

### Stakeholders in relation to the ICSSSC

587. The Deputy Premier and the Vice-Chancellor were key stakeholders in relation to the ICSSSC.
588. The Deputy Premier is the Member for the state electorate of South Brisbane and both the Brisbane State High School and the ICSSSC fall within the boundaries of that electorate.
589. It was important to her constituents that the ICSSSC be competitive with and not inferior to the Brisbane State High School, a school which has an Executive Principal.
590. Amongst other things, it was important for the ICSSSC to take enrolment pressure off the Brisbane State High School.
591. The Deputy Premier had initially been advised that the ICSSSC would have an Executive Principal.
592. Public servants' trade is to provide quality policy advice to Ministers. One of the problems in this case appears to be the informality of relations between the DDG and the Deputy Premier which, amongst other things, bypassed Minister Grace. The DG, when interviewed by the CCC, told investigators that his personal view was that their relationship was too close.<sup>257</sup>
593. The Deputy Premier, as the Member for South Brisbane, was entitled (and no doubt expected) to advocate for a position that was in the best interests of her constituents.
594. The CCC, of course, does not ignore the fact that the achievement of a successful outcome for the Deputy Premier's electorate would also have been electorally beneficial for her and her party. But that observation can be made of all elected representatives.
595. The Deputy Premier has also submitted that *"as a member of the government that was embarking on a new policy which was to have strategic relationships with universities in the delivery of secondary education ... she wanted the policy to be a success"*.<sup>258</sup>
596. The Vice-Chancellor was also entitled to advocate for UQ.
597. He had also been led to believe that the principal of the ICSSSC would be an Executive Principal and the appointment of an appropriately qualified and experienced principal was a matter in which UQ had a legitimate interest. The Vice-Chancellor's status as a key stakeholder had also meant that he was placed on the selection panel for the principal position.
598. The Deputy Premier did not have portfolio responsibility for Education. Minister Grace has this responsibility.
599. As stated in the introduction, the DG is responsible for the employment of the teachers, principals and senior executives of the DoE. In turn, the teachers, principals, senior executives and in fact all public service employees of the DoE are responsible to the DG in relation to their employment in the DoE.<sup>259</sup>
600. However, the Deputy Premier, as a senior government Minister, had a significant capacity to influence decision-makers, even indirectly and unintentionally.

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257 Transcript of interview with the DG – page 33, line 1521.

258 Submission by Deputy Premier, 21 May 2020 – page 12, [42(b)].

259 Public Service Act 2008, s. 11.



- 601. Ministers in the position of the Deputy Premier must be aware of this capacity to influence.
- 602. If they engage in conduct that is designed to influence, they should know that it is improper.
- 603. Senior public servants must also be aware of this and ensure they are not susceptible to political influence or perceptions of political influence. Appropriately formal interactions with Ministers and adherence to recruitment policies and procedures and the accurate documentation of decision-making are processes designed to guard against these things.

#### **The Vice-Chancellor's capacity to influence**

- 604. It was not inappropriate for a stakeholder such as the Vice-Chancellor to be on the selection panel for the principal position. Indeed, inviting the Vice-Chancellor to be on the panel ensured that an important perspective was introduced into the panel.
- 605. The Vice-Chancellor's relationship with the Deputy Premier was not inappropriate.
- 606. However, his professional relationship with the Deputy Premier, given the context of him being on an independent selection panel, and his willingness to share and discuss information and insights that he had received as a panel member, gave him the capacity to influence decision-making in a way that the other panel members could not.

#### **Did the Deputy Premier attempt to influence decision-making in relation to the Band 11 Principal position?**

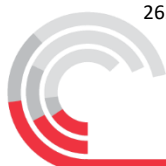
- 607. There is no evidence the Deputy Premier intentionally influenced the decision-making in relation to the Band 11 Principal process.
- 608. The second complaint contained the detail that the Deputy Premier had said "*No way*" in relation to Principal A.
- 609. Considering the complaint alleging the Deputy Premier said "*No way*" about Principal A was made anonymously, the CCC was unable to obtain further particulars from the complainant about when or to whom the "*No way*" comment was allegedly made, or if any person witnessed the alleged comment.
- 610. The CCC has found no evidence the Deputy Premier indicated "*No way*".
- 611. Further, no evidence was found that the Deputy Premier expressed any opinion to departmental officers about Principal A until at least 8 April 2019 when the DDG told her that the DoE intended to readvertise the role at the Executive Principal level.<sup>260</sup>
- 612. The Panel Chair also stated to the CCC that she was not "*aware of any conversation in which the Deputy Premier had said 'No way' to the appointment of [Principal A]*".<sup>261</sup>
- 613. When meeting with Principal A on 29 March 2019, the Deputy Premier was under the impression the purpose was a simple "meet and greet" with the preferred candidate. It was only when she received a text message from the DDG 45 minutes before the scheduled meeting that she was made aware that Principal A had not been informed by the DoE of her status in the recruitment process as the successful candidate.<sup>262</sup>

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<sup>260</sup> See [332], [336], [339] and [340].

<sup>261</sup> Statement of the Panel Chair – page 5, para 33.

<sup>262</sup> Submission of the Deputy Premier dated 24 April 2020 – pp. 6, 7; Submission of the Deputy Premier dated 5 May 2020 – p. 4.



614. There is nothing suspicious about a local member meeting a new principal of a school in his/her electorate but such meetings should only occur once they have been appointed and accepted the position.
615. The Deputy Premier should not have proceeded with the meeting once she knew Principal A had not been advised she had been appointed.
616. The DoE should not have arranged the meeting with the Deputy Premier in the first place. Those public service employees who arranged or otherwise supported such a meeting, for the purpose intended, have undermined the Westminster system of government.

### **Did the Deputy Premier actually influence the decision-making in relation to the Band 11 Principal position?**

617. The response to this question highlights the two main issues of concern referred to at the start of this chapter.
618. For completeness, the CCC notes that it is acceptable for a delegate to determine, based on an examination of the relevant recruitment and selection paperwork, including the application of the preferred applicant and the selection report, to decide that the process has not delivered a suitable candidate and decline to appoint any applicant from the process. Usually this would occur in consultation with the panel chair. In many cases, the position would be readvertised at either the same level or, subject to relevant requirements being met, reclassified at a higher level.
619. The DDG has taken ownership of the decision not to appoint Principal A.
620. He has categorically said that he was not influenced by the Deputy Premier and has provided reasons why he concluded that Principal A should not be appointed and that the position should be readvertised as an Executive Principal.
621. The CCC accepts the DDG is being honest when he says that his belief is that he was not influenced by the Deputy Premier.
622. However, the contemporaneous statements by the DDG and the Panel Chair in text messages cannot be ignored.
623. As set out in Chapter 3, after the meeting with the Deputy Premier on 29 March 2019, the Panel Chair sent a text message which said, amongst other things, “... I thought she didn’t like [Principal A]” to which the DDG replied “We need to talk I think. I haven’t heard from JT [reference to the Deputy Premier] but it will come.” In response, the Panel Chair replied, “Yes I agree. It will be about being an EP level.”
624. The DDG indicates that he expected the Deputy Premier to text him following the meeting with Principal A. That did not occur. Informal exchanges such as those engaged in by the DDG and the Deputy Premier are included in this report to portray how information should not be transmitted.
625. Guidelines and protocols should govern the interface between ministers and departmental officials. Such arrangements help support effective relationships on both sides of the political–administrative divide.
626. The DDG bypassed his own portfolio accountability structures (reporting through the DG to Minister Grace) and was liaising directly with the Deputy Premier and effectively granting her a role in a process she did not have and, beyond wanting the position to be an Executive Principal, granting her a role she had not sought.



627. For completeness, in relation to the text message he sent on 6 April 2019, it is relevant to note that the DDG has indicated that he asked the Deputy Premier if she was happy with the approach as he was mindful that it would extend the duration of the process.
628. The DDG's concern for the Deputy Premier's view is also reflected in the text message exchange between him and his Principal Advisor on 14 March 2019, prior to the DDG's return from leave.
629. As stated earlier in this report, he enquired of the Principal Advisor:

*Has [the Panel Chair] taken the recommended principal to be "interviewed" that is meet the dp before appointing or recommending appointing?*

630. It is reasonable and, in most cases, advisable for public servants to have regard to the views of stakeholders. However, the text messages referred to above suggest that the Deputy Premier's perceived views were given significant and disproportionate weight by the DDG.
631. Moreover, it is difficult to avoid the conclusion that the DDG was over-responsive and allowed either his perception of the Deputy Premier's view, or his desire to achieve an outcome that he believed would please her, to influence his decision-making.
632. The CCC concludes that, whilst the Deputy Premier did not intend to influence decision-making in relation to the Band 11 Principal position, the manner in which the DoE, and specifically the DDG, approached the situation meant it had that result.

### **The Deputy Premier's meeting with the potential applicant on 15 May 2019**

633. As stated earlier in the report, the Deputy Premier met with a potential applicant for the Executive Principal position on 15 May 2019.
634. The potential applicant was entitled to, in undertaking research in preparation for his application, request a meeting with the Deputy Premier as the local member. However, one might think the details available publicly were sufficient to provide the detail he sought.
635. The CCC is not in possession of any evidence that suggests the Deputy Premier would not have met with other applicants who requested such a meeting and the CCC does not suggest that, in usual circumstances, it would have been inappropriate for the Deputy Premier to attend such a meeting.
636. For completeness, the CCC also notes that there is no evidence that the Deputy Premier discussed information that was not already in the public domain or provided confidential information to the potential applicant.
637. The CCC does not suggest that the Deputy Premier turned her mind to how objective observers may have perceived the meeting. However, upon reflection, she may well have realised that, in light of her previous involvement, including her meeting with Principal A and the fact that the DoE had been ultimately sympathetic with her views on the level of the position and sought her views about readvertising the position at the higher level, any meeting with a potential applicant may have led to a perception that applicant was being provided with an unfair advantage in the process.
638. The CCC considers the decision to mention the potential applicant in a telephone conversation with the Vice-Chancellor was unwise and entirely inappropriate.



## **Did the Deputy Premier attempt to influence decision-making in relation to the Executive Principal position?**

- 639. The allegation that began this investigation stated that the Deputy Premier “interfered in the selection process” for the ICSSSC Principal. Did she?
- 640. There is no evidence the Deputy Premier’s call to the Vice-Chancellor influenced the decision-making. However, her motive for her call to the Vice-Chancellor following her meeting with the potential applicant on 15 May 2019 is unknown, but note that the Deputy Premier contends that the purpose of the call to the Vice-Chancellor was not to advocate for the potential applicant. There is no evidence that the meeting between the Deputy Premier and the potential applicant was inappropriate.
- 641. The CCC considers the Deputy Premier’s subsequent conversation in a telephone call to the Vice-Chancellor who was a member of the selection panel is completely inappropriate. The Deputy Premier would have been aware that the Vice-Chancellor was to be a member of the selection panel for the process for the Executive Principal position, as he had been for the process for the Band 11 Principal position.
- 642. Neither the Deputy Premier nor the Vice-Chancellor took any notes of the telephone conversation that lasted for three (3) minutes and 43 seconds. The Deputy Premier and the Vice-Chancellor do not recall what other topics of conversation were had during this telephone call.
- 643. In any event, the conversation should not have occurred. There is a public expectation that given the Deputy Premier’s level of seniority and experience she should know better than to have spoken to a panel member concerning a potential applicant for the position.

## **Cultural issues**

- 644. The case of Julie Grantham has parallels with this matter. That case was only five years ago.
- 645. Grantham effectively used her position to give a direction to appoint her son to a position created by her on a temporary basis, with no expression of interest or recruitment process undertaken. For this offending – referred to as “*brazenly and arrogantly effected*” by His Honour Judge Martin on 1 December 2015 – Grantham received a sentence of six months imprisonment wholly suspended and was ordered to pay \$17,000 compensation to the State of Queensland.
- 646. In addition to clear instances of nepotism and favouritism, Grantham’s case also revealed a fundamental departmental flaw with respect to a reluctance to report wrongdoing. Just as the direction to delete the email and fabricate student population figures was executed in silent obedience, so too was the preparation of documentation effecting the newly created position for Grantham’s son. She and other key staff breached their ethical obligations by unduly influencing recruitment processes.
- 647. Prevention recommendations arising from CCC investigations into the DoE at the time were based on findings that staff who were involved in, or were aware of, improper employment selection practices by management felt conflicted about reporting their concerns.
- 648. They had witnessed what appeared to be instances of reprisal taken by senior managers against others who had previously voiced or acted on their concerns. The consequence of this was that staff were not willing to report their concerns for fear of jeopardising their employment or work arrangements.



649. To remedy the corrosive impact of Grantham’s misconduct and the resultant apathetic culture, the CCC recommended that in order to reinstate public service values amongst its employees, overt and regular statements about legislative obligations and organisational values from the Chief Executive/Director-General supported by managers during staff meetings and other office discussions were to be made.<sup>263</sup>
650. As espoused by a member of the selection panel, *“the processes of recruitment and selection within the public service are not proof against nepotism or patronage”*.<sup>264</sup> Moreover:
- there is a formal process for a purpose, but then there’s a political process that has a responsibility about coming up with the best possible field for Queensland people. The processes ... that are supposed to prevent nepotism and patronage ... which are part of the recruitment and selection process and Public Service Act, do not always work as they’re intended to produce the best person.*<sup>265</sup>
651. It became then – as it should now – incumbent on the DoE to reinforce the overriding obligation by staff to report instances of unacceptable behaviour, along with an assurance that staff will be protected, even if those reports concern senior public servants.

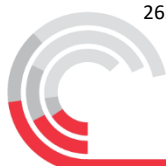
## Accuracy and integrity of recordkeeping/documentation

652. Decision-makers are accountable for the decisions that they make. The decisions made by the DDG and the Panel Chair during the Band 11 Principal process were not transparent. The DDG and the Panel Chair did not act with integrity when they made the decision to “test” Principal A by meeting with the Deputy Premier and not informing Principal A that she was the preferred candidate and that the meeting was a further step in the selection process. It is of course to the Panel Chair’s credit that she raised her concerns to the DG because she was uncomfortable about the meeting. The very existence of such concerns demonstrates how inappropriate the meeting was.
653. The DDG and the Panel Chair’s failure to be accountable and transparent in their decision-making eroded the integrity of the process.
654. Their failure in ensuring they performed their duties in an accountable and transparent manner is further compounded by the fact that there are no records of the decisions made by the DDG and the Panel Chair. This failure has further undermined public confidence in the DoE.
655. As stated earlier in this report, the Code of Conduct requires all public service employees to uphold and demonstrate the ethical principles and values prescribed in the *Public Service Ethics Act 1994*. An ethical culture starts with the chief executive and must be demonstrated through senior leaders and all employees.
656. Effective recordkeeping strengthens transparency in decision-making and good governance. Subsequent to the selection report being signed off for the Band 11 Principal recruitment process, the key decision-makers within the DoE repeatedly failed to record their decisions. At no stage were any of the concerns surrounding Principal A’s ability to perform the role of Band 11 Principal recorded in any form.

<sup>263</sup> Operation Xenon: Prevention Recommendations dated 28 May 2014.

<sup>264</sup> Transcript of General Secretary of the Queensland Teachers’ Union – lines 2242-2243.

<sup>265</sup> Transcript of General Secretary of the Queensland Teachers’ Union – lines 2207-2212.





657. The DoE, like all government departments, is required to create, manage and preserve public records. The *Public Records Act 2002* requires the DoE to make and keep full and accurate records of its activities and provides that the Director-General must ensure the DoE complies with that requirement.<sup>266</sup>
658. The decisions made by the DDG and the Panel Chair should clearly have been recorded. The failure by the DDG and the Panel Chair to make any record of their decisions and the relevant meetings is not only a breach of the ethical principles requiring all DoE employees to be accountable and transparent in decision-making, but is a breach of the Public Records Act.
659. The CCC is aware of concerns that have been raised in relation to the destruction of records in relation to this matter. Those concerns are currently being considered by the State Archivist and are outside the scope of this report.

## Publication of allegations

660. In October 2012, the Queensland Government was concerned that the then Crime and Misconduct Commission (CMC) was being called upon to investigate complaints being inappropriately made for political purposes. The Queensland Government said that it considered such complaints were a distraction for the CMC and diverted the CMC's resources away from its important major crime and misconduct (as it was then) functions.
661. In response to those concerns, in October 2012 the Queensland Government appointed an Independent Advisory Panel consisting of the Honourable Ian Callinan AC and Professor Nicholas Aroney to review the (then) *Crime and Misconduct Act 2001* and related matters.
662. A copy of the Independent Advisory Panel's report was tabled in the Legislative Assembly on 18 April 2013.
663. The Independent Advisory Panel made the following recommendation:

*The law should be that it is an offence for any person (including an officer of the CMC) to disclose that a complaint has been made to the CMC, the nature or substance or the subject of a complaint, or the fact of any investigation by the CMC subject only to three exceptions.*

*The first exception should be that, in the case of a public investigation, fair reporting of, and debate about it, will be permissible.*

*The second exception should be as authorised by the Supreme Court in advance of publication or disclosure if there be a compelling public interest in such publication or disclosure.*

*The third is the case of a person cleared or not proceeded against who authorises in writing disclosures of it.*

*Disclosure could of course occur if otherwise required by law, such as Court processes or Court order.*

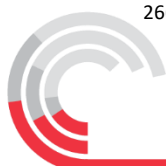
*The restriction upon publication or disclosure should be permanent in the case of no further action by the CMC, an absence of any finding against, or a "clearance" of a person or persons unless that person or persons make the publication or disclosure themselves or give prior written consent to it.*

*If, however, an investigation leads to criminal proceedings or disciplinary proceedings in QCAT, then, from the time of commencement of those proceedings, no restriction on publication or disclosure should remain.*

*There should be a suitable deterrent penalty for unlawful publication or disclosure by anyone.*

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<sup>266</sup> *Public Records Act 2002*, s. 7.





664. The *Crime and Corruption Act 2001* has not been amended to respond to this recommendation or its intention.
665. In October 2017 the CCC held a public forum to discuss whether it was in the public interest to publicise allegations of corrupt conduct and, if it was not, what legislative or other options were available to prevent this.
666. Publicising allegations of corrupt conduct may adversely affect the ability of the CCC to perform its corruption function, damage the reputation of the person alleged to have engaged in corrupt conduct, and compromise the fair trial of persons charged with corruption. However, identifying a solution that ensures allegations of corrupt conduct are kept confidential must be balanced against the right to freedom of speech within current legal constraints and the need for open and accountable government.
667. The CCC recommended that a proposed new offence be established in relation to publicising allegations of corrupt conduct during a local government election period or publishing that a complaint has been, will be or may be made to the CCC against a councillor or candidate during a local government election period.
668. The CCC recommends this proposal be implemented and extended to the State election period.
669. The CCC recently said, in a media statement:

*It is the CCC's longstanding position that it is always the preference for complaints and other correspondence relating to assessments and investigations to remain confidential so matters can proceed without allegations being aired publicly. Publication of a complaint or correspondence may compromise how effective inquiries undertaken by the CCC can be, especially when potential witnesses have advanced warning. The publication of a complaint can also lead to unsubstantiated allegations being aired publicly, and may give the appearance a complaint is motivated for political gain or other reasons.<sup>267</sup>*

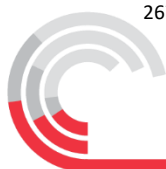
670. The CCC repeats this observation in relation to this matter.

## Principal A

671. The CCC's reasons for publishing this report are set out in Chapter 1. The decision to do so was arrived at very carefully. One of the factors which weighed considerably against publishing the report was any impact upon Principal A.
672. The CCC observes that one of the most disappointing aspects of the way the Band 11 Principal process concluded was the way that Principal A was treated.
673. Amongst other things, she was subjected to quite an arbitrary and unjustified meeting with the Deputy Premier and was misled about the nature of that meeting. She was treated with a certain degree of disrespect by not being honestly informed of the purpose of the meeting. That disrespect continued in the way that the matter, and the complaint to the CCC, was exploited in the media, seemingly without any regard for Principal A.

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<sup>267</sup> <https://www.ccc.qld.gov.au/news/no-criminal-conduct-councillor-kate-richards-investigation-ccc-makes-procedural>.



674. The CCC, in examining the Band 11 Principal process, has focused on process rather than the merits of any particular applicant, including Principal A. The information available to the CCC in this investigation suggests that Principal A is a dedicated educator and committed and respected public service employee.
675. The CCC considers the culture in the DoE needs addressing to ensure that no other public service employee is subject to a process which produces this kind of outcome.

## **Principal B**

676. The CCC also considered the impact of publishing the report upon Principal B. The disappointing treatment Principal A was subject to by the DoE was compounded by the treatment received by Principal B following the allegations being made public.
677. Principal B stated that after the allegations came out she received no support from senior DoE officers.
678. She had to seek support from the Queensland Teachers' Union to assist in addressing untrue statements made about her in the media.
679. The CCC, in examining the Executive Principal process, was satisfied that the appointment of Principal B to the position was an appropriate merit-based decision. The information available to the CCC in this investigation suggests that Principal B is also an experienced, dedicated educator who remains committed to the success of the ICSSSC.

## **Complaint against Minister for Education**

680. On 9 June 2020 the CCC assessed this complaint (referred to in Chapter 2).
681. The allegation against Minister Grace was speculative and there was no basis for a reasonable suspicion of corrupt conduct.
682. Moreover, no information uncovered during the investigation supported the allegation.
683. The CCC took no further action and advised both the Member for Kawana and Minister Grace of this decision in writing.

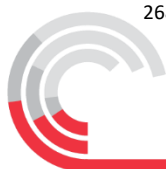


## Corrupt conduct

684. There is no prima facie case that the Deputy Premier has committed a criminal offence or that she was motivated by any dishonest or corrupt intent. Notwithstanding this, the nature of her involvement in DoE decision-making created a corruption risk.
685. For public servants, the definition of corrupt conduct not only relates to conduct which would, if proved, be a criminal offence, but also extends to conduct which would, if proved, be a disciplinary breach providing reasonable grounds for terminating the person's services.<sup>268</sup>
686. The decision to involve the Deputy Premier in the recruitment process was ill-advised. The failure to keep records fell well below the standards expected of senior public servants.
687. The manufacturing of the new enrolment figure was arguably dishonest, as was the deletion of the email. Similarly, the publication of false information in a media statement, and the provision of false or misleading information to the Premier and Minister Grace was also arguably dishonest.
688. Pursuant to s.49(2)(f) of the *Crime and Corruption Act 2001*, the CCC has referred a confidential report on the investigation to the Chief Executive of the Public Service Commission, for consideration of disciplinary action.

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<sup>268</sup> See section 15 of the *Crime and Corruption Act 2001* for the entire definition.



## Conclusion

- 689. Both a member of the selection panel, and a non-panel member, thought it appropriate to suggest a meeting with the Deputy Premier as a “test” of a candidate who had already been approved by an independent panel. In effect, they made, the Deputy Premier a de facto member of the selection panel and part of the selection process.
- 690. The Panel Chair acquiesced to this, despite the position not being one that required Ministerial approval or ratification. She also did so without informing the selection panel of the proposed meeting before it took place, and misleading the candidate about the real purpose of the meeting.
- 691. The Principal Advisor, as an Administration Officer level 8 (AO8), has to accept responsibility for her failure to bring to anyone’s attention the inappropriateness of the proposed course of action, and for her own active involvement in it. Every officer, no matter how “junior” they regard themselves as being, has an obligation to report misconduct.
- 692. The Deputy Premier’s role as a key stakeholder in the ICSSSC did not entitle her to be part of the selection process (something which she readily accepts), to proactively contact members of the selection panel or anyone who could influence the appointment process, or to act in any manner that could influence the final appointment, including by contacting a panel member about a potential applicant. Politicians in her position need to be mindful of the influence they can have on public servants – even senior and experienced ones – and the danger that such influence can cause decision-making to miscarry.
- 693. The irregularities in processes and the flawed decision-making, followed by the deceit and propagation of false information, not to mention the attempted destruction of an important record, represents the failure of a number of senior public servants to behave ethically (including by calling out inappropriate behaviour) and faithfully practise their craft as public servants. That is a cultural issue that must be addressed as a matter of priority. The community expects nothing less.



## Chapter 7

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### Observations as to how the process was undermined

#### Acting ethically or acting corruptly involves a conscious decision

694. To identify whether or not the people involved in this investigation acted ethically or corruptly, in the public interest or in their own, we can ask what decisions they made at critical turning points in events.

#### Recruitment and selection processes: the conduct of the selection panel and the DoE

695. What choices did people make about how they should act?
696. The selection panel, if unconvinced by the quality of the applicant pool or the level at which they were about to appoint, could simply have halted the process.
697. They could have advised the department that they felt unable to appoint a candidate, particularly in view of the already openly expressed reservations of a senior and important stakeholder who formed part of the panel, and requested further exploration of the possibility of readvertising for an Executive Principal.
698. The selection report was signed, and no reservations expressed orally or in writing by any panel member were contained within it.
699. The Vice-Chancellor, in particular, could have stated that he felt unable to sign off on the appointment. Having signed off, he could have accepted the candidate and supported and mentored her, as he had said he would. Instead, he chose to express his dissatisfaction with her, referred to her and to the other candidates in what others considered to be disparaging terms, and continued to voice his desire for an Executive Principal.
700. The Panel Chair did not act on the concerns of the panel as she should have – by halting the process, thanking the candidates for their time and ending the process gracefully.
701. She failed to tell the other selection panel members that there was a suggestion to meet with the Deputy Premier.
702. When asked by the Panel Chair how to proceed, the DDG could have advised her to halt the process, or canvassed suitable options with her (as he did). Instead his recommendation was to have her “interviewed” (his term) by a politician.
703. The Principal Advisor and no doubt many others, could have advised the DDG not to pursue a flawed process and an inappropriate course of action, but instead she chose to facilitate it. Rather than caution against over-responsiveness, she enabled it, including by conveying instructions with respect to record-keeping, thus demonstrating her own questionable professional judgement.
704. The DG could have instructed them not to pursue the idea of a meeting with the Deputy Premier.
705. The Deputy Premier herself should have declined the meeting once she understood the DoE had not advised Principal A that she had been approved to be appointed.
706. The list above is not exhaustive. Rather, it is indicative of failures to act in good faith towards a candidate, a process, and the principles of fair and transparent decision-making.



# Annexure 1: DG Briefing Note – Approval to create two positions at Principal (Band 11)

18/248401

Page 1 of 4  
18/166716

TRIM Reference

**Briefing Note**  
Director-General  
Department of Education

Signed: *[Signature]*

**Action required: For Approval**

**Action required by: ASAP**

**Urgent:** establishment of two Principal (Band 11) positions for the new Inner City State Secondary Colleges with approval to advertise the Inner City North State Secondary College Principal position for appointment in Semester 2, 2018.

**SUBJECT: ESTABLISHMENT OF PRINCIPAL POSITIONS FOR THE NEW INNER CITY STATE SECONDARY COLLEGES**

**Summary of key objectives**

To seek the Director-General's approval to:

- Establish two Principal (Band 11) positions for the two new Inner City State Secondary Colleges;
- advertise the Principal position for the Inner City North State Secondary College for commencement from the start of Semester 2, 2018; and
- advertise the Principal position for the Inner City South State Secondary College for commencement from the start of Semester 2, 2019;

**Key issues**

1. The Queensland Government has approved the establishment of two new state secondary colleges in the inner Brisbane city area, currently referred to as Inner City North State Secondary College and Inner City South State Secondary College until formal school naming processes have been conducted.
2. The Inner City North State Secondary College is being established at Fortitude Valley in a partnership between the Department of Education and Queensland University of Technology (QUT) to deliver a flagship school for state secondary education.
3. The Inner City South State Secondary College is to be established in the Dutton Park/South Brisbane/West End area. The final location decision is subject to community consultation. This school will be established in a partnership with the University of Queensland.
4. These state-of-the-art, multi-story secondary schools will offer a future-focused education showcasing best practice in collaboration, innovation, high expectations, strong community engagement and partnerships.
5. The development of formalised partnerships will be a key element in the successful delivery of the schools' programs and provides a unique opportunity to work with universities and other partners at local, state and national levels.
6. The department has undertaken comprehensive stakeholder and community engagement in the development of the design for the new Inner City North State Secondary College and extensive community consultation has occurred in relation to the precinct selection for the new Inner City South State Secondary College.
7. During 2017, the department's Executive Management Board discussed the importance of the early appointment of principals to these signature schools to enable community and stakeholder engagement in the development and realisation of the vision for each of these new schools.



8. The department has been funded for these new schools under the Queensland Government's *Building Future Schools Fund*. The design work undertaken to date includes flexible learning spaces and distinct precincts with unique identities, supporting the delivery of technologically-enabled, contemporary secondary school learning and teaching facilities. These spaces will be dynamic, adaptable and responsive, and support student development, resilience, agility and growth mindsets.
9. The new Inner City North State Secondary College curriculum will be delivered in accordance with the Australian Curriculum and Queensland secondary syllabi. Senior students will have the opportunity to study either the Queensland Curriculum and Assessment Authority (QCAA) syllabi or the International Baccalaureate, and students will have the option of accelerated pathways into tertiary study.
10. Due to the nature and expectations of the role, senior experienced principals are required. It is essential these school principals are strong instructional leaders who are focused on:
  - meeting the needs of each student;
  - promoting and managing collaboration with their communities and strategic partners, including the universities;
  - aligning professional learning for staff to the needs of the students in this inner urban context.
11. The principal roles at the two new inner city schools have previously been considered by the department's Executive Management Board (EMB). On 19 July 2017, EMB endorsed the early advertising of two Executive Principal positions to lead the two new inner city schools.
12. The appointment of Executive Principals to these positions is no longer the preferred approach for the following reasons:
  - the new inner city schools will open with up to 200 Year 7 students and grow by one year level cohort each year to an anticipated total student population of 1500 after six years. This total student enrolment figure is below the 1600 student enrolment threshold detailed in the current Teaching in State Education Award - State 2016, where consideration would usually be given to the engagement of an Executive Principal;
  - the Department of Education and Training State School Teachers' Certified Agreement 2016 does allow the Chief Executive to engage an Executive Principal in a school of fewer than 1600 enrolments for a special purpose, however this provision is currently only applied to a small number of sites where the complex nature of the role has required an Executive Principal to be appointed. Special purpose Executive Principal positions include Aurukun State School, Mornington Island State School and the Lady Cilento Children's Hospital School; and
  - the creation of two Executive Principal positions will add additional Senior Executive Service (SES) positions to the department's SES profile and will require Public Sector Management Commission approval at a time when the increasing number of Public Service SES positions are being scrutinised through government processes and by the media.
13. The establishment of the Principal (Band 11) provides an opportunity to attract a quality applicant pool to ensure appropriate school leadership and community engagement to develop positive partnerships critical to the success of the schools' agendas. It is proposed that the roles be advertised nationally at the Band 11 Principal level. The universities expect to be represented on the selection panels, along with the Queensland Teachers' Union as per normal selection processes.
14. EMB previously discussed and endorsed the early advertisement of these roles to commence 18 months prior to the schools officially opening.



15. This briefing note seeks the Director-General approval to create both positions and advertise the Inner City North State Secondary College Principal position to ensure the selection process is completed during Term 2, 2018 to allow the successful applicant to provide an appropriate notice period and commence from Semester 2, 2018. Similarly, the Inner City South State Secondary College Principal position will be advertised in the first half of 2019 with commencement from Semester 2, 2019.
16. The principals will initially be supported through the appointment of a Business Manager and will progressively recruit staff to ensure the proactive establishment of the schools and the educational programs and services they will deliver.

#### Implications

17. The remuneration for a Principal (Band 11) is in the range of \$151,094 to \$158,709. In comparison the remuneration for an Executive Principal position is \$166,272 plus a car allowance of \$25,500 per annum.
18. Support positions and school staffing allocations will be progressively advertised and filled to ensure the successful opening of these two new schools.
19. Funding for principal and staffing positions will be drawn from the School Based Salaries Budget.

#### Background

20. The new secondary school in the Inner City North Precinct will open in 2020. It is a high-profile part of the Advancing Inner City Schools initiative, announced by the Queensland Government on 8 June 2017.
21. The *Building Future Schools Fund* also includes establishing a new high school in the inner-south working with the University of Queensland to relieve enrolment pressure from Brisbane State High School and supporting the expansion of West End State School to meet enrolment demand, along with master planning for inner city schools and the expansion of the Queensland Academy for Science, Mathematics and Technology.
22. Based in Fortitude Valley on the site of the former Fortitude Valley State School, the new Inner City North State Secondary College will utilise vertical schooling design to maximise the site footprint. Learnings from other inner city vertical schooling solutions across the country have been used to shape the design thinking for the new school. Cox Architects were selected through an open and competitive tender process to assist in the early design work for the school.
23. The principal will take the lead in developing the partnership with QUT and will progress school recruitment, staffing, operational and other directions for the school over the coming 18 months.





**Recommendation**

That the Director-General:

- **note** the background to the two new inner city state secondary colleges approved by the Queensland Government during 2017;
- **approve** the establishment of two Principal (Band 11) positions for the new Inner City North State Secondary College and Inner City South State Secondary College;
- **approve** the advertising of the Inner City North State Secondary College principal position in Term 2, 2018, with the appointment to commence in Semester 2, 2018;
- **approve** the advertising of the Inner City South State Secondary College position in Term 2, 2019, with the appointment to commence in Semester 2, 2019; and
- **note** that the support positions for these new school principals will be progressively advertised as approved by the Building Future Schools Fund Program Board.

**NOTED/APPROVED/NOT APPROVED**

Director-General  
Department of Education

141 51 2018

Director-General's comments

Action Officer  
Regional Director  
Metropolitan Region  
Tel: [REDACTED]

Endorsed by:  
Assistant Director-General  
Human Resources  
Tel: [REDACTED]

Date: 06/04/2018

Endorsed by:  
A/Assistant Director-General  
State Schools – Operations  
Tel: [REDACTED]  
Mob: [REDACTED]  
Date: 13/04/2018

Endorsed by:  
Deputy Director-General  
Corporate Services  
Tel: [REDACTED]  
Mob: [REDACTED]  
Date: 10/05/2018



## Annexure 2: Principal recruitment – selection overview and standards of practice

Department of Education

### Principal recruitment and selection overview

The recruitment and selection of school leaders is critical to ensure quality teaching and learning outcomes in Queensland state schools.

The principal recruitment and selection process is based on three underlying principles:

- 1) school Parents and Citizens Associations or school councils, the sector specific Principal Association and the Queensland Teachers Union (QTU) will have direct involvement in the selection of a suitable and meritorious principal
- 2) principals seeking relocation are assessed for suitability by an appropriate panel
- 3) appointments are considered from the widest possible pool of applicants.

#### Overview and panel responsibilities

- A selection panel will be convened for each vacancy. The selection panel as a minimum will consist of a chair (with line accountability for the performance of the principal), a community representative to be elected in consultation with the school's Parents and Citizens Association or school council, a representative of the relevant sector specific Principal Association and a representative of the QTU. Community representation can be from the school's Parents and Citizens Association, school council or a representative from P&C Qld.
- The selection panel will determine the means of assessing suitability and merit. The selection panel must consider the suitability and merit of all applicants consistently and in accordance with the requirements of the vacancy.
- Prior to being filled via a merit process, principals who have requested relocation to a vacancy must have their suitability considered. If there are no suitable principals for relocation, the vacancy may be filled via an advertised process in accordance with public service directives.
- The panel chair is responsible for ensuring that all panel members are appropriately supported to undertake the process.
- The panel is responsible for making a recommendation for an appointment. A delegate of the chief executive is responsible for ensuring that the selection has been carried out in accordance with requirements, is consistent with obtaining the best outcome for the school and contributes to the effective operation of a statewide relocation and appointment system.
- The Human Resources Branch is responsible for evaluating the effectiveness of the statewide relocation and appointment system. This includes regular engagement with stakeholders.
- The Human Resources Branch may recommend preferred recruitment and selection practices from time to time.

Note: Additional supporting documentation and resources are sent to the selection panel when their vacancies are advertised.



# Recruitment and Selection Standards of Practice Principal Recruitment



	Legislative / Directive Requirements	Agreed Practice	Best Practice
<b>Selection Strategy Planning</b>	<p><input type="checkbox"/> 7.2 Recruitment and selection occurs within the context of broader workforce planning, with chief executives responsible for determining what staffing resources and capabilities are required to achieve their service delivery goals. This may include reviewing current and future capability requirements and funding availability ahead of advertising.</p> <p><input type="checkbox"/> 9.3 Attracting and retaining a diverse and skilled workforce is generally best supported by advertising vacancies to the open market. As such, subject to clauses</p> <p><input type="checkbox"/> 9.6 and 9.7, vacancies must be advertised in a way that maximises quality applicant pools. The minimum requirement is that positions are advertised for a period of</p> <p><input type="checkbox"/> 10 working days (exclusive of the Christmas-New Year closure period) on the Smart Jobs and Careers website, or in the case of vacancies for graduate roles or graduate development programs, the Queensland Government graduate website. Acceptance of applications submitted after advertising closes is at the discretion of the panel. <i>R&amp;S directive - 15/13</i></p> <p><input type="checkbox"/> Selection panel means the person or persons responsible for conducting the assessment of applicants and making a recommendation about appointment to the decision maker (delegate). While it is not prohibited, the decision maker should generally not be a member of the selection panel. <i>R&amp;S directive - 15/13</i></p>	<p><input type="checkbox"/> Preliminary review of the school and requirements that are essential to be successful in the role are identified.</p> <p><input type="checkbox"/> Review of prior appointments and consideration of preferred method to fill the role.</p> <p><input type="checkbox"/> Strategy should include a range of online advertising media.</p> <p><input type="checkbox"/> Consideration of the use of national press advertising should also be considered for difficult to fill locations.</p>	<p><input type="checkbox"/> Complete Recruitment Plan has been developed and contains:</p> <ul style="list-style-type: none"> <li>• Complete Job Description (updated and approved to use)</li> <li>• Full salary and package details</li> <li>• Detailed recruiting information <ul style="list-style-type: none"> <li>• Information Pack</li> <li>• Comprehensive advertising</li> </ul> </li> <li>• Panel members identified and committed to expected timeframes</li> <li>• Panel is clear about the key attributes of the ideal candidate</li> <li>• Career opportunity details complete</li> <li>• Full interview information discussed with panel members</li> </ul>
<b>Selection Panel Composition</b>	<p><input type="checkbox"/> Positions are advertised for a period of 10 working days (exclusive of the Christmas-New Year closure period) on the Smart Jobs and Careers Website" <i>R&amp;S directive - 15/13</i></p> <p><input type="checkbox"/> Selection decisions and notification of outcomes must take place in a timely manner" <i>R&amp;S directive - 15/13</i></p>	<p><input type="checkbox"/> Panel Chair: RD/ARD (supervisor)</p> <p><input type="checkbox"/> QTU representative will be engaged to sit on all Principal selection panels.</p> <p><input type="checkbox"/> Principal Association representative will be engaged to sit on all Principal recruitment panels.</p> <p><input type="checkbox"/> School community representative. P&amp;C Qld will assist school communities that are unable to select a member of the school parents and citizens or school council.</p> <p><input type="checkbox"/> Advertising should be timed to allow sufficient time for a comprehensive recruitment process to be conducted and completed.</p>	<p><input type="checkbox"/> Every endeavour will be made to ensure that representatives from the QUTU and relevant Principal Association will be at or above the level of the position being considered.</p> <p><input type="checkbox"/> In recognition of the Department's commitment to equity on selection panels a commitment to gender balance is considered best practice.</p>
<b>Principal Vacancies (Permanent and Temporary &gt; 12 months)</b>			<p><input type="checkbox"/> Permanent vacancies will be filled within one school term of the vacancy arising.</p> <p><input type="checkbox"/> Recruitment process to be conducted and completed no later than 2 weeks prior to the end of term.</p>
<b>Timing for completion of principal selection process</b>		<p><input type="checkbox"/> Appointments should be completed, approved and announced no later than 2 weeks prior to the end of term.</p>	<p><input type="checkbox"/> Selection process should be completed within 4 weeks of advertisement closing date.</p> <p><input type="checkbox"/> Appointments completed, approved and announced no later than 2 weeks prior to the end of term.</p>



Selection Tools	Legislative / Directive Requirements	Agreed Practice	Best Practice
Document Retention requirements for Principal recruitment (to be retained by Panel Chair)	<input type="checkbox"/> 10.2 Assessment processes for advertised vacancies must: (a) incorporate selection techniques that enable a sufficiently comprehensive assessment of the applicants' merit within the current context and duties of the role; (b) take into consideration all merit information before the selection panel, rather than focusing on one aspect of the assessment process (e.g. interview performance); (c) incorporate pre-employment checks (including referee checking) as per clause 11; (d) measure the relative merit of each applicant; and (e) be consistent with the principles of employment equity and anti-discrimination <i>R&amp;S directive - 15/13</i> <input type="checkbox"/> Retain for 3 years after recruitment finalised, including records relating to the recruitment and selection of employees. • appeal/review records • approvals • competency assessments • interview questions and responses • interview reports and schedules • notifications • panel recommendation reports • records of appeal/review • referee reports • rejected offers • results of aptitude/psychological tests <i>General Retention and Disposal Schedule for Administrative Records (GRDS) QDAN 249 v.7</i>	<input type="checkbox"/> Applicants will be required to submit minimum requirement of: • CV • Letter (no more than 2 pages) addressing the key attributes for the role • Additional information for difficult to fill locations and P4S communities may be requested by the panel. Minimum requirement : • Shortlist • Interview • Referee Checks <input type="checkbox"/> Panel Chair to retain necessary records for required period	<input type="checkbox"/> Clearly articulated • CV • Letter addressing the key attributes for the role • Competency based interview questions • Consideration of the candidates ability to fit with the networks they will work within ( <i>Hiring for Network Fit CEB 2013</i> ) • Robust Referee interviews <input type="checkbox"/> Panel Chair to retain necessary records for required period. <input type="checkbox"/> <i>Recommend that applicants deemed as suitable are maintained in a database for future aspirants</i>
Pre-employment Checking including Referee checks	<input type="checkbox"/> 11.2 Referee checking relating to an applicant's work behaviour and performance (including seeking the referee's knowledge about past performance assessments and past serious disciplinary action) must be conducted. The panel is responsible for determining when, during the selection process, referee checking is to be conducted. <input type="checkbox"/> 11.3 At a minimum, referee checking must be conducted in relation to the applicant(s) recommended for appointment and (where applicable) on an order of merit. Referee checking for other applicants is at the discretion of the panel. <i>R&amp;S directive - 15/13</i>	<input type="checkbox"/> Minimum standards to be met. <input type="checkbox"/> Current supervisor must have at least one years working knowledge of the applicants past performance. Where this is not the case the panel will need to conduct referee report with previous supervisor to meet this criteria.	
Post Selection Feedback	<input type="checkbox"/> 11.3 Applicants who request feedback must receive timely, specific and constructive feedback from a member of the selection panel sufficient to explain the panel's recommendation / decision maker's (delegate's) decision <i>R&amp;S directive - 15/13</i>	<input type="checkbox"/> All applicants will be provided with feedback on request.	<input type="checkbox"/> For shortlisted applicants feedback should be provided through both a meeting and written confirmation of this meeting. Areas for focus should be provided. <input type="checkbox"/> For internal candidates the current supervisor also be informed of the feedback to ensure areas for development identified by the panel are incorporated into Performance Development Planning. <input type="checkbox"/> Non-shortlisted applicants will be provided feedback on request.

## Annexure 3: DG Briefing Note: Approval to create Executive Principal position

Page 1 of 3

Department File Ref: 19/228600

### Briefing Note

Director-General  
Department of Education

**Action required: For Approval**

**Action required by: 3 May 2019**

**Urgent:** Establishment and advertising of an Executive Principal – Special Purpose for the new Inner City South State Secondary College for a period of five years using a section 122 contract of employment.

**SUBJECT: ESTABLISHMENT AND ADVERTISING OF AN EXECUTIVE PRINCIPAL – SPECIAL PURPOSE ROLE AT INNER CITY SOUTH STATE SECONDARY COLLEGE**

#### Summary of key objectives

- To seek the Director-General's approval for the establishment and advertising of the role of Executive Principal – Special Purpose, at Inner City South State Secondary College (ICSSSC) for an initial period of five years using a section 122 contract of employment.
- To seek the Director-General's signature on the letter to the Queensland Teachers' Union (QTU) regarding the establishment of this role (**Attachment 1**).

#### Key issues

1. The new role of Principal, ICSSSC, was recently advertised; however; the selection panel has recommended that no appointment be made due to the lack of breadth and depth in the quality of the applicant pool for this pivotal position.
2. This foundation principal position requires a high level of relational leadership aptitude and capability to successfully lead the establishment of this new and iconic secondary school.
3. It is crucial the role attracts an individual who demonstrates the ability to develop an inclusive learning and community environment through the establishment of strong partnerships, as this is critical to the success of this new model of state secondary schooling.
4. Due to the nature and expectations of the role, the position is suited to a senior experienced principal who can lead and promote ICSSSC to the world. ICSSSC is intended to have specific links and programs with the University of Queensland, Translational Research Institute, Princess Alexandra Hospital, and Ecosciences within the precinct and provide world-leading educational opportunities as a leading public high school in the state. It is a key activator in economic terms for the revitalised Dutton Park precinct and needs to be a prominent educational institution with a prominent leader. The relationships and partnerships present in the precinct provide additional layers of complexity for which an executive principal appointment is justified.
5. To enable the attraction of the best possible applicant pool and to ensure the appropriate level of leadership, it is proposed to remunerate the position at the executive principal level.
6. The establishment of an Executive Principal – Special Purpose position can only be approved by the Director-General.
7. On approval, a recruitment process will be undertaken by the Metropolitan Regional Office with the successful officer to commence as soon as possible. The process will involve national and international recruitment through web-based platforms.





8. A letter has been drafted to QTU requesting support of the proposal (**Attachment 1**).

#### **Financial Implications**

9. Funding for the Executive Principal – Special Purpose role is available from within the existing school based salaries budget.

#### **Background**

10. Through the Queensland Government's \$808 million Building Future Schools Fund, the Department of Education is delivering the new ICSSSC to address enrolment growth across Brisbane's inner city schools network, including Brisbane State High School (BSHS), which is experiencing significant enrolment pressure as inner-city living has attracted more residents to the city and surrounding areas.
11. To ensure the successful establishment of this new school in the existing inner-south community, the school will require a strong, strategic and experienced leader to drive the development of this school's vision for the future to attract students and to provide high quality state education alongside the existing strong and renowned state schooling choice, BSHS.
12. Initially, prior to site acquisition, concept master planning and the design process, it was anticipated the new ICSSSC may cater for fewer than 1500 students due to potential site constraints experienced in an urban context.
13. The draft concept master plan and schematic design for ICSSSC has recently been developed by the department and principal consultants and released for public consultation. Through the progression of the detailed design process, it is evident the new school will eventually accommodate over 1650 students on site. The design encompasses three multi storey learning blocks which will provide enrolment capacity for some 11 classes per year level.
14. The site concept master plan provides future space for a potential fourth multi storey learning block to cater for future enrolment growth in this growing inner city area.
15. Section 6.2 of the *Department of Education and Training State School Teachers' Certified Agreement 2016* provides for the establishment of executive principal roles at schools that have fewer than 1600 enrolments for a special purpose.
16. The special circumstances outlined above fit the intended use of this provision. Although ICSSSC will eventually accommodate over 1650 students, the school will open with fewer than 1600 enrolments.
17. In keeping with this approach, the Director General can utilise the current section 122 contract arrangements. The contract would allow for the appointee to be paid the executive principal salary and relevant vehicle allowance for the contract period.
18. The Deputy Director General, Corporate Services has discussed the proposal with the General Secretary, QTU, and there is support for the use of an Executive Principal – Special Purpose for this unique context.
19. On completion of the section 122 contract, should the appointee be from within the department, the employee will revert to their substantive classification.



**Recommendation**

That the Director-General:

- **approve** the establishment and advertising of the role of Executive Principal Special Purpose at Inner City South State Secondary College for an initial period of five years using a section 122 contract of employment; and
- **sign** the letter to the Queensland Teachers' Union proposing the Executive Principal Special Purpose role (**Attachment 1**).

NOTED / APPROVED / NOT APPROVED

  
  
**Director-General**  
**Department of Education**

0210512019

☐ Copy to Minister's Office

**Director-General's comments**

Action Officer

  
Principal HR Consultant

Tel: 

Endorsed by:



  
DDG Corporate Services

Tel: 

Mob: 

Date: 01/05/2019

## Annexure 4: DG's media statement tabled in Parliament 28 November 2019

<p><b>Media statement</b></p> <p>28 November 2019</p> <p><b>Executive Principal appointment Inner City South State Secondary College (ICSSSC)</b></p> <p><i>The following may be attributed to the Director-General, Department of Education:</i></p> <p>The role of Foundation Principal of the Inner City South State Secondary College (ICSSSC) was initially advertised in January 2019. A five-person selection panel included the Department of Education Metropolitan Region Regional Director (panel chair and supervisor of the advertised role), President of the Queensland Secondary Principals' Association, the General-Secretary of the Queensland Teachers' Union, the President of P&amp;Cs Queensland and the University of Queensland Vice Chancellor.</p> <p>An order of merit was established through the initial recruitment process and the Department of Education initiated a meeting with the Deputy Premier which involved an informal discussion of approximately 15 minutes with the highest ranked candidate.</p> <p>I have been advised that while the panel had signed off on the appointment, new demographic modelling indicated the school would exceed 1600 students and be eligible for an Executive Principal position. Therefore no offer of appointment was made.</p> <p>Based on departmental advice indicating the ICSSSC would be eligible for an Executive Principal position, I approved the role's reclassification at this higher level of remuneration.</p> <p>I have been advised that at no time did the Deputy Premier seek to involve herself in the selection decision making.</p> <p>The role was then readvertised in May 2019 with the same panel reconvened for the process. An offer of appointment was made to a candidate following this second recruitment and selection process.</p> <p>I have been advised that all candidates from the original recruitment process were invited to reapply for the Executive Principal position. The panel chair is responsible for the conduct of the recruitment and selection process and whether or not an appointment is made from the process.</p>	<div><p>Queensland Legislative Assembly Number: 561972169 28 NOV 2019 MP: Hon [Signature] Clerk's Signature: [Signature]</p><p>Tabled <input checked="" type="checkbox"/> By Leave <input type="checkbox"/></p></div> <div><p>Queensland Government</p><p>Department of Education</p></div>
---	---

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## Annexure 5: ADG, IS's email to the Principal Advisor to DDG on 28 November 2019 titled "Dot Points for media response".

---

**From:** on behalf of [REDACTED]  
**Sent:** Thursday, 28 November 2019 2:03 PM  
**To:** [REDACTED]  
**Subject:** Dot Points for media response

Hi [REDACTED],

Some dot points to use to frame the answer the first media question:

- The department commissioned a report from SGS Economics and Planning to provide updated demographic projections for the inner Brisbane area
- Report was submitted late Jan 2019
- The report identified the actual growth in numbers of school aged children in inner Brisbane areas was higher than anticipated
- The modelling indicated enrolment demand in Brisbane's inner south is likely to be materially higher than anticipated
- The design of Stages 1 and 2 of the ICSSSC has a total built capacity of 1940
- The school can accommodate over 1600 students

Hope these help

Regards

[REDACTED]  
Assistant Director-General

Infrastructure Services  
Department of Education and Training



## Annexure 6: The deleted email from 1:27pm on 12 April 2019 recovered by the CCC

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**From:** [REDACTED]  
**Sent:** Friday, 12 April 2019 1:27 PM  
**To:** BuildingFutureSchools (BuildingFutureSchools@qed.qld.gov.au); [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Inner City South language update

Hi Team

Can we please ensure that we use “over 1600” instead of “up to 1500” in all Inner City South State Secondary College materials moving forward.

Also, can we please check our current publicly facing materials, including our website, and incorporate the change above.

Kind regards

[REDACTED]  
A/Program Director, Building Future Schools Fund  
Infrastructure Services Branch  
Department of Education



## Annexure 7: Submissions

### Annexure 7A: Submission from the DG



**Legal Director**  
Daniel K Rogers Acc Spec (Crim) Qld

**Senior Consultants**  
Terence P O'Gorman Acc Spec (Crim) Qld  
Leigh F Rollason Acc Spec (Crim) Qld

26 June 2020

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

Care of Ms Kylee Rumble

By email only: [REDACTED]

Dear Mr MacSporran,

RE: **OUR CLIENT: [DG]**  
**AN INVESTIGATION INTO ALLEGATIONS RELATING TO THE**  
**APPOINTMENT OF A SCHOOL PRINCIPAL – DRAFT PUBLIC REPORT**

We act on behalf of [REDACTED], the Director-General of the Department of Education in respect of the above investigation. This is [DG] response to the draft report provided under cover of your correspondence dated 22 June 2020.

[DG] did not act corruptly; he acted honestly, in good faith.

We note the decision to publish the report. [DG] supports that decision, and asks that this response be annexed to it.<sup>1</sup> In his view, the publication of the report will help to educate the public service and politicians about important integrity matters. He identifies some important 'lessons learned' below.

[DG] **did not engage in any corrupt conduct**

At all relevant times, [DG] acted honestly and in good faith, on the basis of information provided to him. Any suggestion that he made false or misleading statements is denied.

<sup>1</sup> In circumstances where the CCC has decided to publish its report and findings, natural justice requires that [DG] submissions in response be published with it as an annexure: *Annetts v McCann* (1990) 170 CLR 596.

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*"Individual liability limited by a scheme approved under professional standards legislation"*



The draft report does not avert to any evidence that [DG] was knowingly involved in the apparent manufacturing of new enrolment figures nor the deletion of email records. He did not. Further, he had no knowledge or involvement in this.

We note the publication of (allegedly) false information in a media statement and/or the provision of false and misleading statements to the Premier and Minister for Education. The sum total of [DG] part in the media statement was to rely, in good faith, on verbal and written advice provided to him by the Deputy-Director General,

The negative opinions expressed about [DG] in the report are unsupported by evidence, and are profoundly disappointing to him. They are specifically addressed below.

### **Fairness**

[DG] has worked at senior levels in Federal and in two State governments. His appointment as the Director-General of the Queensland Department of Education reflects a long record of exemplary commitment to the promotion of the public good, and the values of public sector integrity, impartiality, accountability and transparency.

For the Director General of a State Government Department, adverse public comment about matters concerning corruption is likely to have grave consequences. Accordingly, a high level of proof is required: *Briginshaw v Briginshaw*.<sup>2</sup> Any adverse comment must have a solid evidentiary basis. In particular, the evidence must be sufficient to ground “actual persuasion” of the existence of central facts. Inexact proofs, indefinite testimony, or indirect inferences are not sufficient.

In [DG] case, correct findings about his conduct require a sincere assessment of *what he actually knew* at the time he made decisions. To impart the knowledge he has now into his mind at the time he made decisions is grossly unfair. Put differently, the CCC must ensure its process of reasoning is not skewed by hindsight bias.

Hindsight is a very useful tool for learning lessons from an unfortunate event. It is not useful for “understanding how the involved people comprehended the situation as it developed” nor for assessing the correctness or adequacy of their actions at the time.<sup>3</sup> The impact of hindsight bias is insidious:-

*“...hindsight bias is a projection of new knowledge into the past accompanied by a denial that the outcome information has influenced judgment. Thus, subjects who learn of an outcome in a hindsight experiment typically claim that they “would have known it all along”.”<sup>4</sup>*

<sup>2</sup> (1938) 60 CLR 336, hereafter ‘*Briginshaw*’.

<sup>3</sup> Hugh Dillon and Marie Hadley, *Australasian Coroners Manual* (The Federation Press, New South Wales, 2015).

<sup>4</sup> Scott Hawkins and Reid Hastie, ‘Biased Judgments of Past Events After the Outcomes Are Known’ (1990) 107(3) *Psychological Bulletin* 311, 311, citing B Fischhoff, ‘Hindsight ≠ foresight: The effect of outcome knowledge on judgment under uncertainty’ (1975) 1 *Journal of Experimental Psychology: Human Perception and Performance* 288, 297-98.



The logical starting point must be “*What information did [DG] have at the time of making a decision?*”. This question is critical to the assessment of the reasonableness and honesty of the actions taken by him.

When [DG] conduct is viewed through this prism, it is evident that he did not act corruptly; he acted honestly, in good faith.

### Reliance upon advice

As the Director General of the Department of Education, [DG] oversees the responsibilities for a very large portfolio. It is necessary that work is delegated.

At the relevant time [DG] (Regional Director and Panel Chair) was responsible for the appointment of a school principal at ICSSSC. [DDG] was accountable for the Human Resources section of the Department of Education. [DDG] provided advice to [DG] on Human Resources matters.

Despite the responsibility for the appointment of a school principal at ICSSSC being with the Chair of the selection panel, [PANEL CHAIR], [DDG] took it upon himself to insert himself into the process. To the extent that this reflected his responsibility for matters concerning human resources, his level of involvement and actions in this matter were misguided.

As part of this investigation, [DG] participated in an interview with the CCC. He explained that he had very little knowledge of the events surrounding the process for the appointment of Principal A and the discussions between the Deputy Director General and Panel Chair concerning the involvement of Ms Jackie Trad. At no time during the appointment process did [DG] have any communication with the then Deputy Premier, Ms Trad.<sup>5</sup> He relied almost exclusively on the briefings provided to him by the Deputy Director-General. The following excerpt of [DG] investigative interview is apposite:-

“AP Yeah, just a couple of things ah [DG] Um, through all, throughout this process um, has the information that you’ve come into possession of been briefed to you by predominately um [DDG] ?  
[DG] Predominately [DDG] that’s correct.”<sup>6</sup>

“AP But your information is predominantly coming from [DDG] ?  
[DG] That’s correct yep. I have no other information available to me.”<sup>7</sup>

As Director-General of one of the largest government departments in Queensland, with approximately 94,000 staff, [DG] receives some 10-50 briefs a day.<sup>8</sup> It is imperative that he trust and rely upon his senior executives to provide him with sound, accurate and honest advice.

[DG] is concerned and disappointed by the reported behaviour of his Deputy Director-General, [DDG]. It is apparent to him now that [DDG] may have engaged in conduct that was dishonest. However, at the relevant time the actions of [DDG] were

<sup>5</sup> Interview between [DG] and the CCC dated 12 March 2020, Lines 1055-1056

<sup>6</sup> Interview between [DG] and the CCC dated 12 March 2020, Lines 614-618

<sup>7</sup> Interview between [DG] and the CCC dated 12 March 2020, Lines 1549- 1551

<sup>8</sup> Interview between [DG] and the CCC dated 12 March 2020, Lines 1984-1985



not known to [DG], and could not reasonably have been known. [DG] feels that he was totally misled by [DDG].

If the reported matters are true, [DG] regrets that he did not more closely supervise his Deputy Director-General to whom he trusted to perform his role. However, as [DDG] was an experienced senior executive of many years, with extensive accountabilities and a history of responsibility for Human Resources and recruitment policies and practices, [DG] had good reasons to expect that [DDG] would act honestly and consistently with:

- Government policies concerning proper conduct as contained on the department intranet
- Government and department policies relating to recruitment policies and practices and providing [DG] accurate and honest advice on these
- The Code of Conduct which is formed from the *Public Sectors Ethics Act 2014* (Qld), Specifically, the requirement that

*“any advice that we provide is objective, independent, apolitical and impartial.”<sup>9</sup>*

- The position description of Deputy Directors-General that require that they ‘model professional and ethical behaviour’.

It is suggested in the CCC report that [DG] was on notice that [DDG] advice was not accurate. There is no proper evidentiary basis for this suggestion. [DG] was entitled and should have been able to trust the briefings of [DDG].<sup>9</sup> He relied upon the advice of [DDG] in good faith. This is addressed in more detail below.

The CCC report notes that the Minister and Premier were misled by the Department. To the extent that this was true, [DG] feels misled by [DDG] and other persons upon whom he relied. He is disappointed that the CCC appear to have made few inquiries of other departmental employees about the information they or [DDG] provided to [DG] as Director General, in particular whether that information was correct or, as suggested, designed to also mislead [DG].

In a number of cases, the CCC implies or concludes that because other senior officers knew certain information, [DG] must also have known. This is a bald assumption.<sup>10</sup>

There is no evidence to support such a conclusion.

### Specific Concerns with the report

[DG] accepts the vast majority of factual findings made in this report, including the recommendations for improvements in the public service in a Westminster System.

<sup>9</sup> For example, the letter from the General Secretary of the Qld Teachers Union at paragraph 394 of the draft report ‘An investigation into allegations relating to the appointment of a school principal’

<sup>10</sup> See for example paragraphs 477, 478 and 502 of the draft report ‘An investigation into allegations relating to the appointment of a school principal’



However, there are some specific matters that are not accepted and/or require important context.

### ***Destruction of Records***

[DG] regards this allegation as very serious, and supports a thorough investigation.

At no time, was he advised or briefed that a departmental officer was prevailed upon to destroy a record relating to an apparent deception.<sup>11</sup> Had he been aware of such conduct, he would have taken immediate steps. The report should make clear that [DG] had no knowledge of the alleged destruction of records.

### ***Falsification of Student Numbers***

[DG] also regards this alleged conduct as very serious. He supports a thorough investigation.

At no time was he advised or briefed that steps were being taken to inflate the expected number of student enrolments. [DG] had no reason to suspect that such conduct may have been occurring.

[DG] knew from previous experience that such numbers were not required to approve an Executive Principal – Special Purpose position. As such, he had no grounds to suspect that there was a deliberate attempt to mislead him to ensure he would approve an Executive Principal for the role. As far as he was concerned, the expected enrolment numbers were just another reason why an Executive Principal was appropriate. To the extent that he relied upon this information, he was misled.

In his interview with the CCC it was directly put to [DG] that he knew the figures were not a legitimate reason for the executive principal position being created. His reply was clear;

“I don’t have any information to me that would support that.”<sup>12</sup>

There is no evidence to contradict that honestly held view. The report should make clear that [DG] had no knowledge of, or involvement in, the alleged falsification of student numbers.

### ***Recruitment for Band 11 Principal***

As Director-General, had very little knowledge of any of these arrangements or discussions at the time. This was the responsibility of (panel Chair). [DDG] directly intervened in the process despite the fact that he was not a member of the selection panel.

<sup>11</sup> See paragraph 9 of the draft report ‘An investigation into allegations relating to the appointment of a school principal’

<sup>12</sup> Interview between [DG] and the CCC dated 12 March 2020, Line 1260



In circumstances where he had no involvement in the recruitment process, [DG] recollects receiving a brief phone call at some point from the Panel Chairperson, . He recalls being advised that there was concern about Principal A's suitability and that consideration was being given to a meeting between Principal A and the local Member, Ms Trad.<sup>13</sup> According to [PANEL CHAIR], [DG] reminded her that the Deputy Premier is not part of the selection process and does not make the decision.<sup>14</sup> This reminder by [DG] was deliberate, and directed to underline the importance of the appointment process not becoming politicised.

[DG] accepts the observation that he could have instructed the panel chair not to pursue the idea of a meeting with the Deputy Premier.<sup>15</sup> At the time, he did not appreciate what arrangements were in place and the effect that Ms Trad's meeting with Principal A may have had on the selection process. He was told Principal A was the preferred candidate.<sup>16</sup> He was not involved in the selection process or the meeting with Ms Trad.

The report should make clear that although he was aware of a potential meeting, [DG] reminded [PANEL CHAIR] about the importance of the appointment not becoming politicised and that the Deputy Premier is not part of a selection process. He subsequently had no involvement in the arrangement to have Ms Trad meet Principal A. This arrangement was made by [DDG] through his Principal Adviser.<sup>17</sup>

After the meeting with Ms Trad, [DG] was reassured by [DDG] that a panel could choose many options to test a candidate during a selection process, including meeting with a significant stakeholder.

[DDG] later confirmed this in writing, stating that, "...it is not uncommon for selection panels to use a range of strategies and techniques to satisfy themselves about the suitability of applicants." and "...the Deputy Director-General suggested there was a range of options available to the panel including second interviews, psychological testing, scenario-based assessments and potentially meeting with stakeholders, including the local member."<sup>18</sup>

This information is derived from a series of questions and answers developed by [DDG] in response to queries from [DG]. **Annexure "A"** is a copy of those questions and [DDG] responses from September, 2019.

To the extent that Ms Trad's views may have influenced [DDG], [DG] was not aware of this. In response to a direct question from [DG], [DDG] stated categorically that Ms Trad had made no contact with him after the meeting had occurred. [DDG] had also indicated to [DG] that if the panel did not recommend an applicant, consideration could be given to creating an Executive Principal position for the school.<sup>19</sup>

<sup>13</sup> Interview between [DG] and the CCC dated 12 March 2020, Line 734 - 830

<sup>14</sup> See paragraph 242 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>15</sup> See paragraph 704 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>16</sup> See paragraph 202 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>17</sup> See paragraph 257-258 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>18</sup> See "Annexure A" being series of questions and responses from [DDG]

<sup>19</sup> Interview between [DG] and the CCC dated 12 March 2020, Line 283-292





At all times, [DG] relied on the leadership and advice of [DDG] and trusted him as the responsible senior officer for human resources within the department. This included [DDG] advice on processes relating to selection, including the range of selection strategies that could be utilised.

[DG] accepts that the decision to have Principal A meet Ms Trad before she was appointed was totally misguided. As set out below, steps have already been taken to ensure that this does not happen again.

[DG] had absolutely no knowledge that the panel chair had contacted Principal A advising her, "...if the media ask if you saw Jackie Trad to say no".<sup>20</sup> This is serious alleged conduct and [DG] supports a thorough investigation of it.

### **Executive Principal (EP) Position**

[DG] understands that the creation of an Executive Principal position and the recruitment of that person was driven by [DDG] personal concerns about the ability of Principal A to undertake the role and that, in [DDG] opinion, the school was more entitled to an Executive Principal position. [DG] notes other information in the CCC draft report that references various members' views that the position should be an Executive Principal.<sup>21</sup>

The creation of an Executive Principal position was not an uncommon process. Under 2016 CA, the Director General has discretion to approve an EP – Special Purpose without regard to enrolment numbers.<sup>22</sup> Since [DG] began in the role as Director General on 30 April 2018 he has approved the following Executive Principal roles:

- 3 Executive Principals for a special purpose (Aurukun, Doomadgee and Inner City South State Secondary College); and
- Appointments to a further 24 Executive Principal Positions where the student enrolment of the school is 1650 or over at the time of appointment.

[DG] approved the establishment of an Executive Principal – Special Purpose based on the advice in brief 19/228600 that the 'selection panel has recommended that no appointment be made due to the lack of breadth and depth in the quality of the applicant pool for this pivotal position' as well as the advice that 'Through the progression of the detailed design process, it is evident the new school will eventually accommodate over 1650 students on site'.

### **The Briefing Note**

[DG] is now aware that paragraph 1 of the briefing note prepared for him was false.

<sup>20</sup> Paragraph 463 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>21</sup> See paragraph 150-154 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>22</sup> Paragraph 522 of the draft report 'An investigation into allegations relating to the appointment of a school principal'



At the time he was not aware of this and accepted the information in good faith as authorised by [DDG] .

In respect of paragraph 13 of the briefing note, [DG] also had no reason to believe that this information was false. He accepted the information in good faith as the brief had been authorised by [DDG] .

[DG] notes paragraph 389 of the draft report, which provides evidence from the Principal HR Consultant that paragraph 1 of the briefing note was specifically inserted by [DDG] . If that is so, [DG] was misled specifically by [DDG] in the briefing note.

[DG] was misled by the briefing note.<sup>23</sup>

This point is particularly important to the CCC investigation and draft report as [DG] sees this incorrect information as the predominant reason he approved the process to allow the creation of an Executive Principal – Special Purpose, to attract a larger field for the position of Principal.

If [DG] was aware the selection panel had in fact signed a selection report at the time the brief was submitted he would not have approved it and a second selection process would not have occurred.

The report should make clear that [DG] was misled by the briefing note which was authorised by [DDG] .

**[PANEL MEMBER] and [DDG] explanation**

In honest reliance on the briefing note, [DG] then signed a letter to the General Secretary of the Queensland Teachers Union, authored by [DDG] , seeking his support to readvertise the ICSSSC principal position at EP level. [PANEL MEMBER] reply letter supporting the creation of EP stated “I note that the reasons given for the lack of appointment are not entirely accurate”. This was a vague statement.

[DG] asked [DDG] what he thought [PANEL MEMBER] letter meant, in particular the assertion ‘I note the reasons given for lack of appointment is not entirely accurate.’<sup>24</sup> [DDG] explanation was that the brief should have said the Chair of the panel had recommended that no appointment be made, rather than the actual selection panel.<sup>25</sup> In his verbal advice [DDG] said he thought it was an inadvertent mistake made by the Principal HR Consultant<sup>26</sup> and that [DDG] hadn’t identified that error when he authorised the brief.

This explanation was consistent with [DDG] advice to [DG] at all times throughout the process and afterwards; namely, that the panel chair was ultimately responsible for deciding whether an appointment should be made. Relevantly, [DG] first became aware of a selection report signed by panel members recommending Principal A

<sup>23</sup> Interview between [DG] and the CCC dated 12 March 2020, Line 1391 - 1424

<sup>24</sup> Interview between [DG] and the CCC dated 12 March 2020, Line 1411 - 1424

<sup>25</sup> Interview between [DG] and the CCC dated 12 March 2020, Line 1371 - 1372 and 1418 - 1420

<sup>26</sup> See paragraph 388 of the draft report ‘An investigation into allegations relating to the appointment of a school principal’



consequent through a Right to Information (RTI) request.<sup>27</sup> At that juncture, he asked [DDG] for clarity around the entire selection process. [DDG] repeated the above advice to [DG], verbally and in writing.<sup>28</sup>

For the purpose of considering [PANEL MEMBER] letter, [DG] accepted [DDG] advice. There was no evidence to suggest otherwise. [DG] had no reason at the time to believe [DDG] was misleading him.

[DG] also met with [PANEL MEMBER] as part of regular stakeholder meetings four times between May - November 2019; specifically, on 16 May 2019, 16 July 2019, 20 September 2019 and 25 November 2019. [DG] has no recollection of [PANEL MEMBER] raising concerns with him in relation to the selection process in any of those meetings.<sup>29</sup>

At no time was [DG] aware that [DDG] had inserted misleading information about what the selection panel recommended as stated by the Principal HR Consultant to the CCC.<sup>30</sup> [DDG] never disclosed this to [DG].

Ultimately, [DG] suspended [DDG] on 11 May 2020. This was a result of information becoming available to him over time such as:

- documents contained in RTI processes, including the initial selection report which was signed by panel members, but not by the DG delegate and a collection of text messages between [DDG] and the local member;<sup>31</sup> and
- evidence in certain of these documents that [DDG] misled him in relation to the selection process and his level of interaction with the local member.

[DG] does not accept that upon receipt of [PANEL MEMBER] letter or at an earlier time, he was aware that paragraph 1 of the briefing note was false. There is no evidence to support that comment.

Paragraph 395 of the draft report is inaccurate. The report should make clear that, at this stage, [DG] did not know that the briefing note was deliberately interfered with by [DDG].

### **The Director General's Media statement**

This media statement was infected by the misleading behaviour of those who reported to [DG] and briefed him (as outlined above).

[DG] issued a media statement on 28 November 2019. He absolutely rejects the suggestion that this statement was orchestrated by him to mislead. This claim is baseless; it is made absent of evidentiary support.

<sup>27</sup> See "Annexure A" being Questions put to [DDG] from [DG] in September, 2019 and in particular about the panel chair being responsible for the appointment.

<sup>28</sup> See "Annexure A" being Questions put to [DDG] from [DG] in September, 2019 and in particular about the panel chair being responsible for the appointment.

<sup>29</sup> Interview between [DG] and the CCC dated 12 March 2020, Line 2477

<sup>30</sup> See paragraph 389 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>31</sup> See disclosure number 193504



At the time of the release of the media statement, [DG] understood its contents to be true.

In response to an inquiry by your office regarding the creation of the media statement, [DG] advised in writing on 15 June 2020 that the media statement was based on the following information:

- A May 2019 departmental briefing note (19/228600) which indicated the projected enrolment of the ICSSSC would be over 1650 students. This note sought [DG] approval for the establishment of an Executive Principal – Special Purpose. As outlined above, it appears that [DG] was misled by others about this.
- A Question and Answer document (see annexure) that was created by and provided to him by Deputy Director General in approximately September 2019. This information was provided as contextual information following an RTI request in September 2019. The document provided information about the selection process, the meeting with the former Deputy Premier and the new total student capacity of the school.<sup>32</sup>
- The initial principal selection report which he first saw in response to an RTI request in September 2019 about the process and appointment of the Principal of ICSSSC.
- Direct questioning of Deputy Director-General by [DG] on the circumstances relating to the appointment of the principal of ICSSSC.

It is correct that [DG] knew, by the time of his media statement, that the selection panel had signed the selection report. This is clearly included in paragraph 3 of the media statement:-

*"I have been advised that while the panel had signed off on the appointment, new demographic modelling indicated the school would exceed 1600 students and be eligible for an Executive Principal position. Therefore no offer of appointment was made."*

Importantly, the copy of the panel selection report (provided through [DDG] office) in the RTI request (which was what [DG] relied upon) was not signed by the Director General's delegate. The CCC's statement that [DG] knew that the DGs delegate had approved the appointment of Principal A to the Band 11 position is incorrect. He did not. It is incorrect and misleading for the CCC to state that this section of the media statement was misleading.

The report should make clear that [DG] did not know that the appointment was approved by the delegate at the point the media statement was developed.

[DG] does not accept that the media statement was misleading in respect to the status of Principal A as the Deputy Premier understood that status to be. The statement states Principal A was the highest ranked candidate. All information provided to [DG] indicated that this was the case. This is further supported by the text exchange between

<sup>32</sup> See "Annexure A" being Questions put to [DDG] from [DG] in September, 2019



[DDG] and Ms Trad on 29 March 2019 that indicates Principal A had not been advised she is the principal elect.

[DG] rejects that the later part of the media statement was deliberately false and designed to mislead; namely: "I have been advised that while the panel had signed off on the appointment, new demographic modelling indicated the school would exceed 1600 students and be eligible for an Executive Principal position. Therefore no offer of appointment was made." The following is important here:

- Decisions were based on departmental advice indicating the ICSSSC would be eligible for an Executive Principal's position. As such, [DG] approved the role's reclassification at this higher level of remuneration
- This section of the statement was based on paragraph 13 of brief 19/228600 which stated that the new school will eventually accommodate over 1650 students on site.
- [DDG] gave advice that new demographic modelling had been undertaken by the department. This modelling was outlined in the document titled Inner City Enrolment Study January 2019 which stated 'there could be demand for an additional 6,000 school places in inner Brisbane, compared to what QGSO projected in 2015'.
- [DDG] had advised [DG] that based on this report in January 2019, additional work was undertaken over the next few months to ensure the masterplan of the new ICSSSC could accommodate more students than originally planned.
- Based on this advice, and on advice in brief 19/228600 that the 'selection panel has recommended that no appointment be made due to the lack of breadth and depth in the quality of the applicant pool for this pivotal positions', [DG] approved the establishment of an Executive Principal – Special Purpose.

To the extent that briefing note 19/228600 contained falsehoods by its author, [DG] was not aware of these when he received the briefing note. Similarly, he verily believed that the contents of the media statement were true.<sup>33</sup>

It is the case that by the time of the media release, [DG] was aware of one falsehood in the original briefing note from [DDG]. This concerned paragraph 1. [DG] was very conscious not to rely upon a falsehood as provided to him from [DDG]. The media statement did not do this.

As such, [DG] refutes absolutely the claim that his media statement was designed by him to mislead Minister Grace and the Premier.<sup>34</sup> Such a finding against [DG] is not reasonably open, and should not be made.

To the extent that Minister Grace and the Premier were potentially misled, [DG] was also misled by [DDG] who authorised the briefing note. [DDG] provided confusing and

<sup>33</sup> See paragraphs 380 – 393 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>34</sup> See paragraph 501 of the draft report 'An investigation into allegations relating to the appointment of a school principal'



perhaps dishonest advice on many aspects of the reasons for not appointing Principal A.<sup>35</sup> In particular, the following submissions are made:

- [DG] agrees with the CCC that falsehoods were deliberately included in briefing note 19/228600.<sup>36</sup> This was done without his knowledge.
- [DDG] advised [DG] that the demographic modelling led to a revised masterplan. [DG] believes now that this was a deliberate deception.
- The media statement was developed on the information that was provided to [DG] largely from the briefing note and on the Question and Answer document (see Annexure A) that was created by and provided to him by [DDG] in approximately September 2019. [DG] had no good reason to suspect that this information was false. He relied upon it honestly.
- [DG] had no knowledge at any time of the claims made by the CCC in relation to changing of numbers on documents.<sup>37</sup>
- There is no evidence to support any potential claim that [DG] was involved in any of the activity outlined by the CCC in paragraphs 524-543.
- At no point did any member of the Building Future Schools Fund team raise with [DG] or his office any concerns about any statement made by him or any brief provided to him around numbers relating to the ICSSSC. He was never on notice that there may be an issue with the numbers.
- [DG] believes that he was misled in all aspects of the information provided to him in relation to the capacity of the school, including its future growth and enrolments.

Paragraph 469-475 of the draft report is inaccurate insofar as it suggests that [DG] misled the public through the contents of that media statement. The report should make clear that [DG] held an honest belief as to the contents of the media statement.

### **Principal B**

[DG] accepts that he approved the selection report recommending the appointment of Principal B on 25 July 2019.<sup>38</sup> He was unaware that [DDG] had contacted the local member advising her that he had approved the selection report. He was unaware that [DDG] contacted the local member in the presence of Principal B later in the afternoon. [DG] is profoundly concerned about the potential for a perception that the independence of his office in the recruitment process was compromised due to communications between [DDG] and Ms Trad.

<sup>35</sup> See paragraph 478 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>36</sup> See paragraph 523 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>37</sup> See paragraph 524 to 543 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>38</sup> See paragraph 441 of the draft report 'An investigation into allegations relating to the appointment of a school principal'



### Other Observations

With respect, the draft report contains emotive and inflammatory language, designed to lead a reader to a particular negative conclusion, i.e. headings such as 'The DGs media statement – let's talk numbers and other misleading 'facts'' and 'The DGs media statement, ICSSSC demographic modelling and enrolment numbers – more lies'. The headings suggest that [DG] has lied or been dishonest. That is not the case and is not supported by evidence obtained through the CCC investigation. The headings ought to be amended so as not to create this unfair perception.

Armed with more information now, [DG] posits the following explanation for this whole affair:

- The major reason for this entire process was that [DDG] did not believe the highest ranked candidate (Principal A in the report) was appropriate for the job.
- [DDG] took it upon himself to ensure the candidate was not appointed.
- [DDG] took deliberate steps to enable the position to be upgraded and a new candidate selected. This involved misleading behaviour.
- [DDG] took the above steps in whatever manner was available to him, including misleading [DG] and others in the nature of the information and advice he provided.
- [DDG] was also driven by the need in his mind to 'not fail' and to please the local member (former Deputy Premier).<sup>39</sup>
- The relationship between [DDG] and the former Deputy Premier was too close.<sup>40</sup>

### Lessons Learned

#### *Contact with stakeholders and referee checks*

Since the ICSSSC recruitment process, [DG] has directed the department to ensure that no interaction occurs with stakeholders (which would include a local member) or any employees concerning the successful candidate.

The online recruitment and selection training resource that is used to support school leader selection panel training has been updated to reflect this. Any information obtained by the department from a community stakeholder during the selection process must be put to the applicant for response. Finally, the Department has updated the information

<sup>39</sup> As outlined in paragraph 358 of the draft report 'An investigation into allegations relating to the appointment of a school principal'

<sup>40</sup> Interview between [DG] and the CCC dated 12 March 2020, Line 1521





about referee checking on the internal intranet to also be clear that 'Until the recommended applicant has been appointed to the position, no interaction will occur with stakeholders or employees concerning the successful candidate.'

### ***Separation of responsibilities for Human Resources***

In recognition of the conflict that emerged from the dual accountabilities [DDG] held for both Human Resources as well as Infrastructure – particularly the overlap of responsibility for the delivery of new schools and recruitment processes that would ultimately be endorsed by staff within Human Resources, [DG] announced a restructure of the department on 2 March 2020.

This restructure resulted in the removal of Human Resources responsibilities from the position of Deputy Director-General, Corporate Services and instead established them under a new Deputy Director-General position – Deputy Director-General, People and Executive Services. This now enables separate decision making and accountabilities between Human Resources and other interrelated areas of the department such as Infrastructure and Finance.

[DG] notes [DDG] was strongly opposed to this action.

### ***Other learnings***

In addition, learnings from this investigation need to address the culture of the department, specifically the central office where it is obvious from the report that there was a strong culture of compliance by [DDG] staff and others in the department with the wishes of [DDG], with little checks and balances regarding those wishes.

More comprehensive training will be implemented by revising the annual Mandatory All-Staff Training program and other specific training and professional development. This will strengthen staff awareness and practical application of the *Public Ethics Act 1994* (Qld) and the Code of Conduct for the Queensland Public Service. Specifically, a stronger focus is intended to be included in training and professional development that addresses issues of political interference, integrity matters and accountability and transparency.

It is now also apparent to [DG] that the department should review its record keeping processes, particularly determining what level of evidence will be made available to decision makers in informing them to make certain decisions.

While [DG] should be able to rely on the honest advice of his senior staff, it is apparent this was not the case with the advice being provided by [DDG]. [DG] relied in taking certain decisions on the information provided to him by [DDG] in both written and verbal form.

It is also clear that in material respects this information was misleading and was not supported by evidence – for example, [DG] relied on a brief authorised by [DDG] that stated the selection panel had recommended no appointment had been made.

The transparency of advice and decision making and the related record keeping requirements will be reviewed by the department with any necessary training associated





with this implemented. Consideration is to be given to a requirement that statements made to [DG] be augmented by supporting documentation.

Thank you for your careful consideration of these important matters raised.

Yours faithfully

**ROBERTSON PO'GORMAN**



**DAN ROGERS**

Solicitor

LTR CCC 20200624 RESPONSE DRECW



## Annexure "A"



Department of  
Education

### **Executive Principal appointment Inner City South State Secondary College (ICSSSC)**

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#### **BACKGROUND – Q&As**

##### **Why did an offer of appointment not proceed from the first round?**

The panel had initially discussed reservations about the classification of the advertised position for this school. While the panel proceeded through the selection stage of the process, the panel chair elected not to make an appointment from that process.

Instead of proceeding with an appointment, the position was readvertised at a higher level, seeking to attract a larger and higher quality applicant pool.

##### **Why did the panel chair introduce a candidate from the first advertisement to the Deputy Premier?**

The panel chair discussed the first process with the Deputy Director-General, Corporate Services, who is responsible for the establishment of the two new inner-city schools. The chair expressed her reservations about making an appointment from the first process. The Deputy Director-General suggested there was a range of options available to the panel including second interviews, psychological testing, scenario-based assessments and potentially meeting with stakeholders, including the local member. He reinforced the need to appoint the right candidate to this prominent position and if there was doubt, an appointment should not proceed and the role could be readvertised.

Subsequently, the Deputy Director-General sought a timeslot for the Regional Director and one of the candidates from the first process to meet with the Deputy Premier. The basis of this meeting was to assess the capacity of the candidate with a key stakeholder to help the panel chair determine if an appointment should proceed, or whether the position should be readvertised.

It is not uncommon for selection panels to use a range of strategies and techniques to satisfy themselves about the suitability of applicants. It is important that the panel and the panel chair are fully satisfied with the appointment of a candidate.

##### **When was the meeting?**

29 March 2019.

##### **How long did the meeting with the Deputy Premier last?**

The meeting went for 15 minutes.

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30 Mary Street Brisbane 4000  
PO Box 15033 City East  
Queensland 4002 Australia  
Telephone 07 3328 6639  
Email: [media@qed.qld.gov.au](mailto:media@qed.qld.gov.au)  
Website [www.qed.qld.gov.au](http://www.qed.qld.gov.au)



**What form did the meeting take?**

The meeting was an informal discussion about the candidate's vision for the school.

**Where did the meeting with the Deputy Premier take place?**

At the local electorate office in South Brisbane.

**Who attended the meeting?**

The Member for South Brisbane/Deputy Premier, a candidate from the first advertised process, the Panel Chair/Regional Director, the Deputy Director-General Corporate Services and a staff member of the local electorate office.

**What was the outcome of the meeting?**

There was no outcome of that meeting.

The Panel Chair considered her position regarding whether or not to proceed with an appointment and discussed her reservations further with the Deputy Director-General. The panel chair decided not to proceed with an appointment and requested to have the job readvertised, based on information about the potential larger capacity of the new school following architectural design work that had progressed following after the original advertisement.

**Is it normal for a panel chair to introduce a potential candidate for a principal's role to the local politician?**

Selection panels can use a range of strategies to assist them in making the right selection decision. In this case, the panel chair elected to use stakeholder discussions to assist in deciding whether or not to proceed with an appointment.

**Whose decision was it not to proceed with an appointment from the original process?**

It was a decision of the Regional Director/Panel Chair.

**If a selection report was completed and signed by the panel, why did an appointment not proceed?**

After discussions with the panel and the Deputy Director-General Corporate Services, the panel chair elected not to proceed with an appointment from the first round, instead preferring to readvertise the role with the approval of the Director-General.

**Why was the job advertised at a higher level in the second round?**

The detailed design work for the construction of the school had progressed during the early part of 2019 and a new total student capacity for the school had been established that was higher than the 1600 student level (the threshold for a higher classification) over the stages of the new school's development.

**How were candidates advised of the outcome of the first process?**

The candidates who had been interviewed were advised by the panel chair that the role was to be readvertised and they were invited to reapply.

**Is it normal for positions not to be filled and readvertised?**

It is not uncommon for positions to be readvertised. The role of the panel and the panel chair



is to exercise their delegation appropriately and to appoint a quality candidate that satisfies sufficient merit for the advertised role.

**Was the panel supportive of the panel chair's decision not to proceed with an appointment from the first round?**

Yes. The same five-person selection panel reformed and made an appointment arising from the second advertisement.

**What reason was given to [PRINCIPAL A] about the first process?**

All shortlisted candidates were advised that the position was to be readvertised as an Executive Principal and they were encouraged to reapply.

**Who was on the selection panel for the second round?**

The same panel was re-established for the second round.

**Was an appointment made in the second round?**

Yes. The second round attracted a higher calibre applicant pool and an offer of appointment was made to [PRINCIPAL B] — an experienced Band 11 Principal who was at the time working on the establishment of the new [REDACTED] State Secondary College.

**Timeline:**

January 2019 – Selection panel established

24 Jan 2019 – Position advertised

7 February 2019 - Applications close

W/B 4 March 2019 - Interviews held

13 March 2019 – Initial selection report completed

29 March 2019 – Local member meeting

First week of April – Regional Director advises candidates by phone that initial process will not be proceeding

2 May 2019 – Director-General approves re-advertisement

May 2019 - System generated email to applicants advised of unsuccessful/withdrawal of position

17 May 2019 - Executive Principal Role readvertised

2 June 2019 - Applications close

19 June 2019 – Executive Principal shortlisting occurred

28 June 2019 – Executive Principal interviews held

25 July 2019 – Selection report approved by Director-General

2 September 2019 – Appointment announced



30 June 2020

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

Care of Ms Kylee Rumble

By email only: [REDACTED]

Dear Mr MacSporran,

**RE: FURTHER RESPONSE**  
**OUR CLIENT: [DG]**  
**AN INVESTIGATION INTO ALLEGATIONS RELATING TO THE**  
**APPOINTMENT OF A SCHOOL PRINCIPAL – DRAFT PUBLIC REPORT**

This is [DG] response to the further draft report provided under cover of your correspondence dated 29 June 2020. [DG] asks that this further response be annexed to it.<sup>1</sup>

Thank you for addressing the concerns raised by our client in his response of 26 June 2020 and making necessary amendments to the report. There are a small number of matters that still warrant consideration.

#### **Meeting with Principal A**

[DG] acknowledges that he received a telephone call from the Panel Chair, who informed him that consideration was being given to having Ms Trad meet Principal A.<sup>2</sup>

<sup>1</sup> In circumstances where the CCC has decided to publish its report and findings, natural justice requires that [DG] submissions in response be published with it as an annexure: *Annetts v McCann* (1990) 170 CLR 596.

<sup>2</sup> See paragraph 198-199 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

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He accepts that the consideration of the proposed meeting by others was misguided.<sup>3</sup> With the benefit of hindsight, he ought to have eschewed the notion.

That said, we submit that, consistent with the evidence, the report ought to expressly state that:-

1. [DG] reminded the Panel Chair about the importance of the appointment not becoming politicised and that the Deputy Premier was not part of a selection process, nevertheless.<sup>4</sup> This is consistent with other evidence in the report;<sup>5</sup> and
2. [DG] did not know that a selection report had been signed by all panel members.<sup>6</sup>

[PANEL MEMBER] **letter**

The draft report states:-

"The DG became aware on 7 May 2019, if not earlier, that paragraph 1 of the briefing note was false."<sup>7</sup>

This paragraph should be removed. It is incorrect and lacks an evidentiary basis. The report should state:-

"It wasn't until the DG questioned the DDG over a period of time about this letter that the DG became aware that paragraph 1 of the briefing note was false."

Pages 8-9 of [DG] original response to the draft report set out the inquiries he made of [DDG]. The claim that the DG appears inexplicably to have made no further enquiries is implausible and not true.<sup>8</sup>

### Media Statement

The draft report now acknowledges that [DG] was misled by the Deputy Director-General and others in issuing the media release.<sup>9</sup>

<sup>3</sup> See paragraph 241-242 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

<sup>4</sup> It is suggested that an appropriate place to mention this is within paragraph 199, 241 and after paragraph 319 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

<sup>5</sup> See paragraph 240 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

<sup>6</sup> See footnote 31 of [DG] original response. It is suggested that an appropriate place to mention this is within paragraph 199 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

<sup>7</sup> See paragraph 389 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

<sup>8</sup> The last sentence of paragraph 388 should be removed from the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

<sup>9</sup> See paragraph 474 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)



In those circumstances, there should be greater clarity around the assertion that:-

"The CCC considers the DG's media statement misled Minister Grace and the Premier."<sup>10</sup>

This should be amended to state:-

"As a consequence of a number of senior officers' behaviour, excluding the DG, the CCC considers the DG's media statement misled Minister Grace and the Premier."

And, consequently, paragraph 500 should read:-

"They (the senior officers) appear to have misled those who are elected to represent the public and the DG."<sup>11</sup>

### **Corrupt Conduct**

[DG] did not act corruptly; he acted honestly, in good faith.

The report supports this conclusion. Consequently, paragraph 684 should read;

"The manufacturing of the new enrolment figure was arguably dishonest, as was the deletion of the email. Similarly, the publication of false information in a media statement, and the provision of false or misleading information to the Premier, Minister Grace was also arguably dishonest. The DG was also misled and did not participate in this dishonest behaviour."<sup>12</sup>

### **The Deputy-Director General's Publicly Annexed Response**

[DG] supports [DDG] request for privacy and does not oppose sensible redactions to protect his privacy and reputation pursuant to section 25 of the *Human Rights Act 2019* (Qld).

[DG] does not seek redactions of his responses. However, he accepts that your office may do this.

Finally, we note that there will be no further opportunity to respond to matters raised by other parties in their supplementary responses. Consequently, if other parties reference the conduct of [DG] in an adverse way not previously raised, such content should be redacted for publication. [DG] reserves his rights fully. The absence of a further

<sup>10</sup> See paragraph 498 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

<sup>11</sup> Suggested addition is underlined. See paragraph 500 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)

<sup>12</sup> Suggested addition is underlined, See paragraph 684 of the draft report 'An investigation into allegations relating to the appointment of a school principal' (as received 29 June 2020)



response by him should not be viewed as an acceptance of any assertion that might be made about him in the supplementary submissions.

Thank you for your consideration of these further matters.

Yours faithfully

**ROBERTSON PO'GORMAN**



**DAN ROGERS**

Solicitor

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## Annexure 7B: Submission from the DDG

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**1 July 2020**

Mr A J MacSporran QC  
Chairperson  
Crime and Corruption Commission Queensland

**By email:** [mailbox@ccc.qld.gov.au](mailto:mailbox@ccc.qld.gov.au)

Your reference: CO-19-2900

Dear Mr MacSporran QC,

**PUBLIC SUBMISSION - AN INVESTIGATION INTO ALLEGATIONS RELATING TO THE APPOINTMENT OF A SCHOOL PRINCIPAL - DRAFT PUBLIC MATTER**

I refer to your letter dated 29 June 2020 and to the further correspondence dated 30 June 2020, which has provided an opportunity for me to provide a submission as regards the final version of the report (**Report**) that has been prepared by the Crime and Corruption Commission (**CCC**) in respect of the above investigation.

Please accept this submission as an open submission to be annexed to the Report. I have set out my comments on a number of issues that are raised by the Report. I have used the same naming terminology as has been adopted in the Report.

**1. My motivations throughout the relevant period**

- 1.1 Firstly, I wish to state that my actions throughout the relevant period were at all times taken by me in good faith, with an honest intention and in the discharge of my key role as the Senior Responsible Owner (**SRO**) of the Building Future Schools Fund (**BFSF**) Program.
- 1.2 At no time did I ever intend to mislead or deceive anyone. I have served my entire career in the Department of Education (**Department**) and have worked tirelessly to contribute to all aspects of the Department's operations and, particularly, to support Queensland state and non-state schools in the various roles I have held.
- 1.3 As is acknowledged in the Report, I have, in my evidence to the CCC, taken ownership of the decision to arrange the relevant meeting with the Deputy Premier - a decision which in hindsight I acknowledge was not the right call.
- 1.4 However, I strongly dispute the finding that I failed to act with integrity at any time. I was at all times focused on acting in the best interests of Department, the State and the relevant communities.
- 1.5 At all times, my sole focus and intention was to ensure that the BFSF Program was a success and, in the specific context of this investigation, to ensure that an appropriately qualified candidate of the highest calibre was appointed to the role of foundation principal of the Inner City South State Secondary College (**ICSSSC**).
- 1.6 As the appointed SRO (discussed further below), it was incumbent upon me to ensure that the highest quality results from the BFSF Program were achieved for the State and for the relevant local communities - for what was a very significant education project that had received very significant public funding.

**2. My role as the Senior Responsible Owner of the Building Future Schools Fund Program**

- 2.1 With the exception of a brief reference to my evidence in paragraph 51, the Report does not closely examine my formal role as the SRO and Chair of the BFSF Program Board - under the BFSF Program governance arrangements.

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- 2.2 My responsibilities as the SRO included that I was personally accountable for the successful delivery of the BFSF Program, for ensuring that the Program achieved its strategic objectives and realised the benefits and to communicate with stakeholders where appropriate to maintain engagement and promote the program's vision.
- 2.3 In my evidence, I explained in considerable detail my role as the SRO of the BFSF Program. Further, my lawyers separately have provided to the CCC a submission explaining why in the Queensland Government context, such detailed governance arrangements are now regularly put in place for major projects undertaken across the Queensland public sector.
- 2.4 These strict project management/governance frameworks have been developed and adopted within the State Government to avoid the types of project failures that have previously occurred. In my view, the Auditor-General, Queensland Treasury and the other Departments have undertaken considerable work to ensure that the governance arrangements for key projects are now structured in this formal manner. As is seen in this case, the Department has developed and applied a very advanced project governance framework.
- 2.5 The project governance arrangements adopted for the BFSF Program, for the purposes of the management of the specific BFSF Program projects, did legally alter the usual Department governance arrangements. This point, and my role as the SRO, are not in my view fully recognised in the Report.
3. **My communications with the Deputy Premier were in in her capacity as the member for South Brisbane**
- 3.1 The factual position is that at all relevant times as the SRO for the BFSF Program, I was dealing with the Deputy Premier in her capacity as the relevant State Government member for the electorate of South Brisbane. There is no clear acknowledgement in the Report that my interactions with the Deputy Premier occurred in this context.
- 3.2 In my view, this is a key point, as I was not interacting at the relevant times with the Deputy Premier as a Minister of the Crown. I was aware, through my existing role within the Department that the Deputy Premier had over several years as the responsible local member taken an interest in the public educational facilities that were located within her electorate of South Brisbane.
- 3.3 In this regard, the level of informality and interaction between myself and the Deputy Premier was reflective of my role as the SRO for the BFSF project and the Deputy Premier's role as the elected local member who in relation to the ICSSSC and other Projects was a key stakeholder of the BFSF Program. The criticism in the Report about the style and the form of my interactions with the Deputy Premier does not reflect this consideration.
- 3.4 In this regard, it is also noted that the meeting in question with the Deputy Premier occurred at the Deputy Premier's South Brisbane Electorate Office. The details of that meeting had been coordinated by the Department with the relevant Electorate Office staff.
4. **The Selection Panel process and the appointment process**
- 4.1 Another factual issue which appears to have developed during the investigation was in relation to the role of the selection panel and, particularly, the effect of the decision that was made within the Department on Friday 15 March 2019.
- 4.2 It is in my view very important that these points are also understood. They have been addressed in my evidence and in separate submissions that have made to the Commission by my lawyers.
- 4.3 The starting point is to note the role of selection panels in public sector appointment processes. In most cases, selection panels will factually have a critical and determining role in undertaking the task of assessing applications for positions within the public sector, following the relevant rules and guidelines and then identifying (where the quality of the candidates is sufficient) a nominee for potential appointment.

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- 4.4 In the Department, there are a wide range of selection techniques available. I discussed these during my evidence and further material in this regard was provided to the CCC by my lawyers.
- 4.5 Throughout the draft report there are suggestions that my decision to take Principal A to meet the Deputy Premier as the local member was in some way interfering with the selection process that had been undertaken by the selection panel.
- 4.6 The first selection panel had completed their assessment in March 2019, while I was on extended sick leave. It appears that the selection panel report documentation was signed off by the panel members between 8 March 2020 and 13 March 2020. The assessment of the selection panel was complete once they had all signed and approved the relevant panel determination. Legally, at that point, the selection panel was "*functus officio*". That is, their legal function was complete.
- 4.7 The further usual Departmental processes then occurred - in this case, by 15 March 2020.
- 4.8 However, on my return to work on 18 March 2020, the key question was whether an offer of employment should be made as a result of the first selection process. As explained in my evidence, the fact that a selection panel makes a recommendation does not mean that an offer of employment will always be made. This point is acknowledged in the Report.
- 4.9 Therefore, any steps that I took in respect of the first selection process as the SRO following my return to work on 18 March 2020 were not part of the earlier selection panel process. The selection panel process was complete. My focus was on whether an offer of appointment should then be made.
- 4.10 All decisions that I then made occurred after detailed discussions with the Panel Chair and with the DG - who, on my recollection, was informed of the steps that were being undertaken by either the Panel Chair or myself in deciding how to finalise the first appointment process.
- 4.11 As noted above, my fundamental role as the SRO was to ensure that the best outcome occurred for the Department, the State and the affected communities by delivering the very best project that the Department could – in terms of infrastructure, people, and partnerships.
- 4.12 My actions, and their intention, were simply to satisfy myself as to whether or not the Department should proceed with an offer of appointment to a nominee given any reservations held. I was only motivated by trying to make sure that we got the decision right for the development of this significant project.
5. **The Departmental figures relating to the ICSSSC**
- 5.1 One of the matters which clearly became a significant issue during the investigation was the analysis of the various enrolment and other projected enrolment figures relating to the ICSSSC. I note that I was not specifically examined in detail relation to these matters.
- 5.2 However, as a result of a short enquiry raised with me by the CCC I did seek from the Department copies of relevant documentation and these were provided to the CCC by my lawyers on 4 June 2020. I was not questioned further about these issues.
- 5.3 At the outset, I would acknowledge that the various student enrolment figures in relation the ICSSSC are complex and somewhat confusing. In 2018, it was relatively clear that two figures which had been settled upon for the ICSSSC. The target student enrolment figure was decided to be 1500, and that the maximum built capacity for stages 1 and 2 was said to be 1940.
- 5.4 There is reference in the Report to evidence I provided referring to the figure of 2250. Because there was confusion within the BFSF Program about the figures relating to the ICSSSC, I had, after my return to work duty on 18 March 2019, enquired of the Assistant Director-General, Infrastructure Services as to how the figures should be considered.

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- 5.5 The advice of the Assistant Director-General, Infrastructure Services to me was that there was a broad concept of there being three teaching and learning precincts/hubs of approximately 750 students each – i.e. 2250. That figure was across stages 1 and 2 and stage 3 of the ICSSSC.
- 5.6 The matter of the appropriate numbers for the ICSSSC was then also discussed at a meeting in or around April 2019 which was attended by a number of officers including the Assistant Director-General, Infrastructure Services, the Program Director responsible for the building of the ICSSSC, the Regional Director, Metropolitan Region and the Principal Advisor. At that meeting, I raised the question for the future the appropriate figures for the ICSSSC project. I raised the issue because, during my absence on sick leave, an independent Updated Inner City Enrolment Study Final Report was delivered to the Department by SGS Economic and Planning.
- 5.7 This report was delivered, I now understand, in late January 2019, but I was not made aware of the relevant findings until after my return to work on 18 March 2020. However, upon my return I was advised about the effect of that study which showed a significant increase in the expected student demands in the inner city areas of Brisbane and the need for state schools to cater for greater enrolment growth, over and above that already forecast.
- 5.8 During the meeting referred to above, we discussed the additional demand for schooling places in the inner south area and discussed the built capacity of the ICSSSC stages 1 and 2 of 1940 students - which was significantly higher than the 1500 target enrolment that had been discussed up to that time between myself, the Regional Director and others. I asked whether the expected enrolment figure of 1500 should still be maintained within the BFSF Program in relation to the ICSSSC, given the extra capacity that was available within stages 1 and 2 of the new school. After some discussion, I suggested that it now seemed likely that the anticipated ten student cohorts for stages 1 and 2 could more likely to be at least 11 cohorts for stages 1 and 2. In that discussion, the Regional Director, Metropolitan Region and Assistant Director-General, Infrastructure Services agreed that higher student enrolments for stages 1 and 2 for the ICSSSC were now very likely given the extra growth in the area that was now expected and that we had already witnessed in West End. At that point, the Program Director, for whom the Assistant Director-General had oversight, suggested that the best approach would be to then allow for a contingency of 10 per cent above the earlier 1500 figure. At no point did the Assistant Director-General note any objection to this proposed course of action.
- 5.9 That is how the figure of 1650 was established. It consisted of the original 1500 target enrolment figure which had been referenced since 2018, which was updated by ten per cent to allow for a contingency that was now expected due to the likely increasing enrolment demand within the Brisbane inner south, which had been highlighted in the SGS Economics and Planning Report as part of their general study of the expected increase in demand for school places across the whole of the inner city area. This figure was documented - for instance, it is there at the top of a spreadsheet document that was recently provided to me by the Department, of which I was not the author - and which was then provided by my lawyers to the CCC on 4 June 2020.
- 5.10 I acknowledge that the SGS Economics and Planning Report did not specifically focus on the likely increased demand for student enrolments only for the new school, but that report more broadly outlined the further additional student growth that was likely to occur. It was clear from the SGS Economics and Planning Report that the anticipated student growth well exceeded the previous population forecasts and highlighted the need for the Department to plan for increased student populations into the future. As a vertical school with a limited land footprint, it was important to effectively plan for how we would accommodate this higher, future growth.
- 5.11 I would reiterate that, until I recently received drafts of the Report from the CCC, I was not aware of the extent of the focus in the investigation about the enrolment or other numbers relating to the ICSSSC.
- 5.12 In any event, as the SRO, it was my responsibility to set the direction and determine things like the size and location of the school and the nature of the infrastructure. I made these judgement call decisions with the input of other members of the BFS team, and the other

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executives involved with the program, just as I had initially done when I established the original 1500 target student figure. These were decisions that needed to be made and I was authorised under the program structure and as a senior executive of the Department to make such decisions or determinations.

- 5.13 It was both appropriate and incumbent on me as the SRO to ensure that the BFSF Program continued to respond to the changing situation in this rapidly changing corridor. The actions and decisions regarding numbers were supported by a range of data sources for different purposes, as the project was running multiple streams at the same time in parallel to meet the deadline for proposed opening in 2021.
- 5.14 In this regard, I also wish to emphasise that in my role as the SRO, it was ultimately my decision to decide the size of the school. The Assistant Director-General's role was to build the school to the size that was then decided (by me). With respect, the Assistant-Director General he is mistaken to suggest that it was necessary to reach the 1600 threshold to justify the Executive Principal role. He would not, in his role, need to be aware of the any specific detail around the requirements of the Certified Agreement, which stipulated the ability to appoint an Executive Principal - Special Purpose at a schools with fewer than 1600 students.
- 5.15 As to the Assistant Director-General's evidence cited at paragraph 501 of the Report that I was "anxious" about the figures and that this manifested "in a number of conversations about there is no evidence to justify how we've got to this point", I directly deny that this was the case.
- 5.16 I therefore reject that any suggestion that numbers in relation to the ICSSSC were manufactured, but I do acknowledge that there were different numbers used for different purposes in a constantly evolving project and that it was my role to determine which numbers were used for which considerations and messaging associated with the project. There was no "conspiracy" in this regard. Again, I was duly authorised, and it was my responsibility, to make sense of these numbers and steer the project appropriately, making a range of decisions about its direction. That is why I led the discussion in the April meeting that is discussed above.
- 5.17 As detailed below, the Report places an over-reliance on the forecast numbers, when, in actuality, the principal classification was not ever reliant on enrolment thresholds but was always an Executive Principal – Special Purpose as recommended in the briefing note that supported its establishment
6. **Briefing the DG**
  - 6.1 In the Report, it is suggested that I did not properly and fully brief the DG in respect of all matters relating to the ICSSSC project and, in particular, as regards the first recruitment process.
  - 6.2 My position is that, at all times, I sought to fully and properly keep the Director-General informed on all matters relating to the ICSSSC project. I am an experienced Deputy Director-General, having served under several Directors-General previously, and I know that it is imperative to keep the Director-General briefed about all important matters. My recollection is that I consistently did that in relation to the ICSSSC project and in particular in relation to the relevant selection processes for the foundation principal of the ICSSSC.
  - 6.3 I would note that the evidence noted at paragraph 341 of the Report supports this view and is contrary to the evidence of the DG that I did not frequently apprise him of developments and issues in relation to the ICSSSC project. That is an incorrect recollection by the DG.
7. **Annexure 3 - the Briefing Note that sought the appointment of an Executive Principal - Special Purpose**
  - 7.1 This briefing note is the subject of considerable consideration in the Report. There are a number of observations that I would make in relation to it.
  - 7.2 Firstly, it is absolutely clear from both the heading of the subject reference on page 1 and the summary of the key objectives that the briefing note was designed to seek the DG's approval

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for the establishment and advertisement of the role of Executive Principal - Special Purpose for the ICSSSC for an initial period of five years using a contract of employment under section 122 of the Public Service Act 2008.

- 7.3 On reading the Report, it seems that some of the evidence obtained during the investigation has created confusion about what this briefing note was meant to do and whether it was necessary to also establish that the Executive Principal role for the ICSSSC could have also been justified on the basis of an expected enrolment of over 1600 students.
- 7.4 My position is that it is fundamentally clear that the briefing note clearly did not rely on meeting the 1600 student enrolment threshold, as the Report seems to continually imply. That is why the document was drafted as a briefing note seeking approval for an Executive Principal - Special Purpose position. That is, for a school that by definition was below 1600 students. Of course, with a new school it will take several years to achieve the planned or expected enrolment capacity.
- 7.5 My recollection is that the briefing note was primarily prepared by two officers, being the Principal Advisor and the Principal HR Consultant. In terms of the progression of the briefing note, my recollection is that because the issue had become urgent to start the second selection process that as soon as the document was finally prepared I then took it to a meeting with the Director-General and then explained to him what was proposed, and the briefing note was signed at that meeting. The progression of the briefing note on this basis was to minimise any further time lost and delays in appointing the foundation principal.
- 7.6 It is important to note the following points about the paragraphs in that briefing note:
- (a) In Key Issues paragraph 1, there was an error in the note in that the selection panel clearly did not recommend that no appointment be made. What the briefing note should have said is that, after considering the selection panel nomination, a decision was made that no appointment would be made due to the lack of breadth and depth in the applicant pool for this pivotal position. That was an error that was not picked up. It was in my view not a deliberate misrepresentation by anyone who was involved in the preparation of the note;
  - (b) Paragraph 2 under Key Issues was a correct statement;
  - (c) Paragraph 3 under Key Issues was a correct statement;
  - (d) Paragraph 4 under Key Issues was a correct statement;
  - (e) Paragraph 5 under Key Issues was a correct statement and reflected the fact that at the Band 11 level the pool of candidates obtained during the first selection process did not have sufficient breadth or depth;
  - (f) Paragraph 6 under Key Issues is correct in that the decision had to be made by the Director-General;
  - (g) Paragraph 7 of the Key Issues is correct in that the recruitment process would be undertaken by the Metropolitan Regional office and that would involve national and international recruitment processes;
  - (h) Paragraph 13 under the Background - in light of the discussions that had taken place (as is noted above) in or around April 2019, was correct. However, the fact that expected student enrolment numbers were included was only in the "Background" and does not mean that this note and the proposed appointment was relying on those numbers;
  - (i) It is obvious, as noted above, that the briefing note fundamentally sought the appointment of an Executive Principal - Special Purpose, and not an enrolment-

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driven Executive Principal position. The information in paragraph 13 was only by way of background and for context;

- (j) Paragraph 16 specifically addresses the fact that the school would open with fewer than 1600 students. I note the investigation has spent much time exploring the numbers which were never of relevance to an Executive Principal – Special Purpose position;
- (k) Paragraph 4 specifically addresses the range of factors that add to the complexity of the role and promotes the rationale for an Executive Principal regardless of enrolments. This point has not been included in the Report.

7.7 My overarching concern here is the over-reliance of the Report on the numbers, which were but one consideration in the decision to seek approval for the appointment of an Executive Principal – Special Purpose position for the ICSSSC as a new significant school. And as provided in evidence as the SRO this was more of an equity consideration with other principals rather than anything else.

7.8 It is also worth noting that the principal position for the ICSSSC:

- (a) had been initially established at the Executive Principal level at my recommendation in 2017;
- (b) was later created at a Band 11 level again at my recommendation in 2018 based on information available at the time; and finally,
- (c) was, on my recommendation, re-advertised at the Executive Principal level after the initial process, for the range of reasons that were outlined in the briefing note - and in particular the nature, complexity and prominence of the role as it was emerging. While the forecast enrolment numbers were one consideration of mine, they were not, as the briefing note highlights, the only consideration. The Report does not properly acknowledge the considerations at Paragraph 4 of the briefing note.

## 8. **Annexure 4 - The Media Statement**

8.1 I also want to make some comments about the media statement that was released by the DG dated 28 November 2019. My recollection of the events is that on that day I was on sick leave recovering from surgery and I received at home an urgent call from the DG.

8.2 The DG explained to me that he needed to release a media statement urgently. He then read to me what was in the briefing note that he had drafted and we had a short discussion. At the time of that discussion, I did not have a printed copy of the media release; nor did I access any of the earlier relevant documents. I participated in that discussion to the best of my ability at that time and I honestly gave my feedback to the DG in those urgent circumstances.

8.3 In terms of the preparation of the media statement, that clearly occurred totally under the direct supervision of the DG and was no doubt based on the previous documentation that had been prepared. My role in relation to the media release was only to assist the DG in the best way that I could during the very short and urgent phone call that took place with the DG.

## 9. **Conclusion**

9.1 Set out in the table attached as **Schedule 1** to this letter are some additional comments in respect of specific paragraphs of the Report that relate to me.

9.2 By way of concluding, I would also like to make it clear that the BFS and ICSSSC was but one project under my portfolio of responsibility. As the Deputy Director-General, Corporate Services in an agency of over 90,000 employees I had responsibility at the time for almost 2000 employees across finance, human resources, infrastructure, procurement and information technologies. Also at the time I was responsible for leading the state school

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teachers' enterprise bargaining negotiations, delivering eight other new schools for 2020 and dealing with natural disasters etc. so my oversight of the ICSSSC project was one of many significant activities in which I was involved.

- 9.3 I have dedicated my working life over the past 31 plus years to supporting and enhancing the development of education in Queensland as a teacher, principal and public servant in regional and central offices.
- 9.4 People who know and who have worked with me understand that I am an open and friendly person who seeks to build high quality and authentic relationships with everyone with whom I work. I believe I am also well-known and respected for having high expectations for the work that the department undertakes and the outcomes that are achieved.
- 9.5 In this case, my sole motivation as stated in my evidence and earlier in this submission as regards the ICSSSC was to produce a state secondary college of the highest standard for this Queensland – right across the spectrum in terms of curriculum, partnerships, design and infrastructure, student outcomes and people. I saw the school leadership position as being pivotal for these outcomes and I sought for no other reason than to ensure the appointee to this role was the very best fit for the vision that the Department and I had for the school. I was tasked with and I was personally responsible for delivering all these outcomes as the SRO and I believe that it was incumbent on me to maintain these high expectations across all the streams of activity under the BFSF program.
- 9.6 With the size and makeup of the applicant pool for this significant role, the reservations held by numerous people about proceeding with an appointment from the first round advertisement, particularly those of our major partner the University of Queensland. I felt it was my responsibility as SRO to ensure that we made the right decision in the interests of the project.
- 9.7 I also feel I want to put on record that given recent press speculation, I did not work with the Deputy Premier some twenty years ago when she apparently worked for the then Minister Bligh. I have no recollection of meeting or working with the Deputy Premier in or around that time and my only dealings with her have been through my work in recent years through the Department.
- 9.8 I am a long-serving and proud public servant of Queensland who has served all Governments and Ministers without fear or favour to the best of my ability and I have always striven to deliver strong results for the education portfolio. Everyone involved with the ICSSSC had, and continues to have, a clear focus to make this school, in collaboration with UQ, a significant place of secondary schooling. As a project team and as an executive, our focus was, and remains, on high expectations and outcomes.

Yours faithfully,

[DDG]

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## Schedule 1

### Table of disputed adverse findings made in the Report

Paragraph <sup>1</sup>	Adverse finding	Comment
222	<i>It may be the case that no offer was made because the DG, the DDG and the Panel Chair had already determined, the previous day, that it would not be inappropriate for Principal A to be "interviewed" by the Deputy Premier.</i>	I had not made any "determination" to this effect at the relevant time. I was away on sick leave and simply asked the question as to whether this had occurred.
381-382	<i>"On 2 May 2019 the DG signed a briefing note which was authored by the DDG(...)"</i>	<p>I have given evidence throughout the investigation that I was not the sole "author" of this briefing note. There were other contributors to the document, including, the Principal HR Consultant and the Principal Advisor.</p> <p>There is also relevant evidence from the briefing note; namely, <b>paragraphs 4 and 5 of the "Key Issues" section</b>. These paragraphs clearly demonstrate that the reasons for the Executive Principal role were based on the uniqueness of the role and hence the need for an Executive Principal - Special Purpose for the ICSSSC.</p> <p>For balance, and in accordance with the CCC's obligations under s. 64 of the CC Act, these paragraphs should be included in the table at paragraph 382 of the Report.</p> <p>For completeness, paragraph 16 of the Briefing Note expressly confirmed that at the initial stage there was no expectation to meet the 1600 student enrolment figure. This shows that the discussion about numbers in the context of what was going to occur was somewhat academic.</p>
393	<i>"Any suggestion that the inclusion of the false paragraph 1 arose through inadvertence or any haste in which the briefing note was compiled is difficult to accept."</i>	While the Briefing Note could have been drafted more clearly, at least in part, paragraph 1 did highlight the panel member concerns about the applicant pool. I did not deliberately provide any false statement. My recollection is that the drafting of the briefing note was finalised in haste for me to then take to a meeting with the DG.
471	<i>"... the statement that new demographic modelling indicated the school would exceed 1600 students is misleading and appears to have been included to justify the DoE's position to</i>	At the relevant time, the evidence of the staged plans showed very clearly that the school would be likely to exceed 1600 enrolled students. It was not misleading to say that, and the updated demographic modelling (SGS Economics and Planning) clearly showed there was going to be a need for additional schooling places in the inner south areas. Furthermore the as built capacity of the school was 1940. The Department would as part of its good utilisation practices would be

<sup>1</sup> Paragraph references are to those contained within the version provided to me on 29 June 2020.

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Paragraph <sup>1</sup>	Adverse finding	Comment
	<i>proceed with a principal at the higher level."</i>	not only seeking to, but expected to, utilise as soon as possible all spare capacity to avoid any unnecessary capital expenditure within its schooling network and to maximise the capital investment in this significant school. By way of comparison, in-demand schools operate at or near built capacity e.g. Indooroopilly SHS.
473-474, 499	<p><i>"Given the content of the DG's submissions, including Annexure A, the information provided to the DG by the DDG to formulate the media release, it appears that the DG was misled by the DDG."</i></p> <p><i>"A number of senior officers including the Assistant Director-General and the DDG (...) appear to have crafted the media statement or their provision of information for inclusion in the media statement in such a way as to relieve them of culpability."</i></p>	<p>On the facts I did not "craft" the media statement, nor did I provide my own information for inclusion. This allegation was never put to me during the course of the investigation.</p> <p>The media statement was owned by the DG. While I was on sick leave, the DG urgently telephoned the Assistant Director-General Infrastructure Services and then myself. The DG read out the draft words to me - I did not have any materials in front of me. My role in relation to the media statement was to do no more than to verify what had already been written in the media statement, so there is no factual basis for the statement that I "crafted" it. In the circumstances there was no any intention to "relieve me of culpability" and I request that reference be removed</p> <p>As regards the DG's reliance upon Annexure A to his statement, I note that the DG elected not to include the full detail of that document in the media release. Namely, he chose to exclude the stated details in that document that the Selection Panel and the Panel Chair had reservations about the appointment of the candidate from the first selection process. The DG had in the March to April 2019 period been briefed by me in relation to every step of the developments that occurred in relation to the decision to not proceed with the first principal selection process. The DG when he oversaw the preparation of the media release would have known details of what had occurred during the finalisation of the first selection process.</p> <p>In relation to the preparation of the media release my suspicion is (given that I was not physically present at work at the time) that any issues in relation to the media statement arose from the extreme urgency that was clearly apparent when the DG called me at home while I was recuperating from surgery. I assisted the DG as best I could. During my telephone discussion with the DG I offered to issue a press release myself (given that I was the SRO) but he said that he would do it - as he was the DG.</p>
501-507	The Assistant Director-General's evidence in respect of the figures	<p>I would repeat my submissions in this letter in respect of the numbers. I would also emphasise that my role as the SRO who was responsible for the ICSSSC project, I was ultimately responsible for dictating the size of the school. The Assistant Director-General's role was to build the school to the size as decided by me.</p> <p>As to the Assistant Director-General's evidence that I was "anxious" and that this manifested "in a number of</p>

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Paragraph <sup>1</sup>	Adverse finding	Comment
		<p><i>conversations about there is no evidence to justify how we've got to this point", I directly deny that evidence. As I have noted - and as is shown in the Report the issue of the various sets of numbers in relation to the ICSSSC was always somewhat complex and confusing and any concerns I may have displayed would have been to simply deal with that confusion and make the numbers issue clearer. The numbers needed to be clear and consistent as they had to be included in a wide range of project documentation..</i></p> <p>The Assistant-Director General, with respect, is quite mistaken to suggest that it was necessary to reach the 1600 threshold to justify the Executive Principal role.</p> <p>He would not, in his role, need to have been aware of the requirements of the Certified Agreement, which clearly stipulated and provided for the ability to appoint an Executive Principal - Special Purpose.</p> <p>While numbers were a factor, they were not the only or the determining factor.</p>
475 & 518	<p><i>"The only reasonable explanation for the deception [as regards the student numbers that were quoted] is to cover the embarrassment the DDG may have suffered for recommending a Band 11 principal for both new schools in the briefing note approved by the DG in May 2018."</i></p>	<p>This is simply wrong. I was never concerned about the ICSSSC position moving to the Executive Principal level if that was legitimately required. I had initially and previously recommended that it be at the Executive Principal level.</p> <p>All of my decisions as SRO for the BFSF program were founded upon my aim of ensuring the best possible outcome for the project and for the relevant communities.</p> <p>I decided after the first selection process that the best outcome did require the re-advertisement of the role as an Executive Principal - Special Purpose. To say that I did this because I was "embarrassed" in some way from a decision taken in 2018 at a much earlier stage of the ICSSSC project is irrational as it is factually incorrect.</p> <p>Given that the University of Queensland was supportive of the position being at the Executive Principal level, it is again unclear how any notion of embarrassment can be drawn. It simply is not objective or evidence-based to make such a statement.</p>
513	<p><i>"The DDG appears to be factoring in an additional 750 students above the 1500 projected enrolments to get to his 2250 students figure."</i></p>	<p>As I have previously stated in evidence, (including in the email from my lawyers dated 4 June 2020) that this was not "my" figure. It was a figure that given to me by the Assistant-Director General – Infrastructure in earlier discussions. However, contrary to s. 64 of the Crime and Corruption Act 2001, the CCC has not referenced in the Report or included any explanation of the evidence about the Assistant Director-General's advice to me on this point.</p>
520-545	<p><i>"Change the numbers on all the documents"</i></p>	<p>For the reasons outlined in this submission, there was no conspiracy about the 1650 figure as it was</p>

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Paragraph <sup>1</sup>	Adverse finding	Comment
		<p>discussed and adopted in April 2019 as part of the normal project progression process. This was a fast track project and the parameters of design, being what could be built etc. for the money allocated from the fund was changing - including while I was away on sick leave in the January to March period of 2019. We were working in an agile manner to ensure the school would be ready for 2021. This decision on the 1650 number was in my view mutually discussed and agreed by a number of the ICSSSC core team.</p> <p>More relevantly, as noted above whether the expected student enrolments were or were not over 1600 for stages 1 and 2 was not important at all as the decision to re-advertise and to proceed with the role at the Executive Principal level clearly was for a Special Purpose appointment (as the Briefing Note clearly shows) which does not include any "numbers" requirement.</p> <p>It is very unfortunate that this basic and fundamental factual premise has not been understood during the investigation.</p> <p>Until seeing the final versions of the Report I was not aware of the importance that these issues or that they had clearly become a significant part of the investigation. I have been required to now respond to these issues within very short timeframes.</p> <p>There is also no recognition of the fact that as the SRO I was the authorising officer and direction setter for all aspects of the school and that the 1500 figure had initially been directed by me and it is not at all inappropriate that I further direct the project with regard to school size and in terms of the most suitable principal classification, designs etc.</p>
588	<p><i>"One of the problems in this case appears to be the informality of relations between the DDG and the Deputy Premier which, amongst other things, bypassed Minister Grace. The DG (...) told investigators that his personal view was that their relationship was too close."</i></p>	<p>I wish to make it clear that I do not have, nor did I ever have, any personal relationship with the Deputy Premier, and I have no political affiliations. I have provided evidence of this nature throughout the course of the investigation.</p> <p>In practical terms, and to the best of my knowledge, the Director-General and the Minister for Education were happy for me as the SRO to keep the Deputy Premier as the local member informed about the progression of the relevant BFSF program projects.</p> <p>My only motivation in communicating with the Deputy Premier was to continue to build and maintain a good working rapport and cordiality with a key stakeholder - as the local member of the State Electorate and to deliver on the role that had been given formally allocated to me as the SRO of the BSFS Program, particularly given the fast moving nature of the project and the level of community interest about it.</p>

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Paragraph <sup>1</sup>	Adverse finding	Comment
621 - 623	<i>"The DDG bypassed his own portfolio accountability structures (reporting through the DG to Minister Grace) and was liaising directly with the Deputy Premier and effectively granting her a role in a process she did not have..."</i>	<p>This statement is completely incorrect. For the reasons stated in this submission, at no time did I "bypass my own portfolio accountability structures".</p> <p>My appointed role as the SRO had made me personally responsible for the ICSSSC and I was in that role by the relevant position statement required to liaise with the local member and her Electorate Office as a key stakeholder for the ICSSSC project.</p> <p>The relevant BFSF program governance documentation at page 4 stated that one of the roles of the SRO was to "Communicate with stakeholders where appropriate to maintain engagement and promote the program's vision" (See bundle of delivered documents during examination at page 10).</p> <p>The report does not objectively acknowledge the documentation provided in this regard.</p>
627 - 629	<i>"(...)it is difficult to avoid the conclusion that the DDG was over-responsive and allowed either his perception of the Deputy Premier's view, or his desire to achieve an outcome that he believed would please her, to influence his decision-making."</i>	<p>As to the finding that I was "over-responsive" or "over-sensitive" to the Deputy Premier's view, I would note my comments above and would add that as a senior Departmental officer, there are (as occurred here) often significant time pressures in terms of obtaining approvals etc. Required outcomes cannot be achieved without the ability to be flexible in communicating with relevant stakeholders.</p> <p>In any case, as the evidence clearly shows, the facts are that the decision that I pushed for - being to re-advertise the ICSSSC principal role was made without any input at all from the Deputy Premier.</p>
649, 650	<i>"The DDG and the Panel Chair did not act with integrity when they made the decision to "test" Principal A by meeting with the Deputy Premier and not informing Principal A that she was the preferred candidate and that the meeting was a further step in the selection process."</i>	<p>While I have admitted that the decision to meet with the Deputy Premier was in hindsight the wrong one, I strongly dispute the finding that I failed to act with integrity at any time. At all times, I was focused on acting in the best interests of Department, the State and the relevant communities. As is outlined in this submission, the candidate did not need to be informed of this because it was not a "further step in the selection process" - as the selection process had finished once the selection panel had signed off on the section report in the week before I returned from leave on 18 March 2019.</p>
651	<i>"Their failure in ensuring they performed their duties in an accountable and transparent manner is further compounded by the fact that there are no records of the decisions made by the DDG and the Panel Chair."</i>	<p>While I agree that our recordkeeping practices could have been improved, this finding is inaccurate as there were briefing notes, that are referred to throughout the report, which recorded the key decisions.</p>
686-687, 689	<i>"(The DDG) thought it appropriate to suggest a meeting with the Deputy"</i>	<p>The evidence clearly shows that my decision to propose to re-advertise the ICSSSC principal role was made without any input from the Deputy Premier. She</p>

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Paragraph <sup>1</sup>	Adverse finding	Comment
	<p><i>Premier as a "test" of a candidate who had already been approved by an independent panel. In effect, they made, the Deputy Premier a de facto member of the selection panel and part of the selection process."</i></p> <p><i>"The Deputy Premier's role as a key stakeholder in the ICSSSC did not entitle her to be part of the selection process..."</i></p>	<p>was not made a de facto member of the selection panel. The Deputy Premier could not on any basis have had a role in the selection process as this had finished once the selection panel signed off on the section report in the week before I returned from leave on 18 March 2019.</p> <p>As I have repeatedly stated, the decision not to proceed with an appointment from the first selection round was made by me in conjunction with the Panel Chair after weighing the various concerns and reservations and the desire/need to appoint an appropriate candidate for this signature school.</p>

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## Annexure 7C: Submission from the ADG,IS

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29 June 2020

Submission by [ADG, IS] ,

Assistant Director-General, Infrastructure Services Branch, Department of Education, Queensland

**Response to Draft Report V7: *An investigation into allegations relating to the appointment of a school principal***

**I refer to clauses 501, 502 and 503**

My previous submission dated 24 June 2020 has responded to the above stated clauses. I provide further commentary based on V7 of the draft report.

Clause 477

The report has not managed to explain the difference between built capacity and student enrolment capacity and therefore provides a confused message in relation to the difference between the two numbers. Further clarification would assist in readers understanding the difference.

Clause 479, 492

The Master Plan clearly allows for a third learning hub to be constructed in the future as and when needed to address future student enrolment numbers. The underlined and bolded statement “appears to infer” that the information provided about the master plan is not correct and that it was amended to justify the figure of 1600. This does not accord with Clause 492 which clearly states the master plan allows for a third learning hub.

Clause 493, 494

The ADG did not “instruct” the Program Director to find the demographic modelling document. The ADG did ask the Program Director for a copy. The request to undertake the demographic modelling work came from the Strategy and Planning team within Infrastructure Services Branch, as clearly stated during evidence provided by the ADG during the CCC hearing. For the Program Director to claim she was unaware of the modelling work is simply incorrect given the Strategy and Planning team provide advice to all project teams, including the Building Future Schools team, about forward projections of resident student numbers.

Clause 495

The Program Director confirms that the master plan for ICSSSC had not changed. This aligns to evidence provided by the ADG during the hearing that the master plan had not changed and had always included an allowance for a third learning hub.

The DG has referenced in his response that as a result of the January 2019 report additional work was undertaken to ensure the master plan of the new school could accommodate more students than originally planned. I am unaware who provided that specific information and can confirm it is not correct. The master plan has not changed as a result of the demographic modelling.

My evidence clearly states that the first two learning hubs being built have the potential to accommodate more than 1600 students. The two learning hubs have a combined built capacity of 1940. As explained a Principal can enrol as many students as they choose working within this total built capacity limit. I explained this in thorough detail during the hearing. Never have I said the school “will” enrol more than 1600 students. To state or infer otherwise is factually incorrect. There is no evidence to suggest otherwise and as such reference in Clause 499 to the ADG must have known this to be the case needs to be removed.



On or about the time of the DG media statement I provided the DG with a copy of the demographic modelling and explained that the modelling indicated that student numbers in South Brisbane are predicted to be higher than previously projected (an additional 6,000 as referenced in the DG response and the body of the report – Clause 485). I clearly noted as I did at the CCC hearing that the report does not provide a predicted number of students to enrol at ICSSSC. It is not possible for me to predict the actual enrolment numbers. The information I have provided clearly states the school will have the capacity to enrol more than 1600 students. This information is factually correct and in no way can it be considered to mis-leading.

Clause 505.

The CCC have also confirmed nothing in my email is factually false. The inference that I have “been careful ....” infers that I was attempting to be deceptive with my email. This is completely baseless and this comment needs to be removed.

It is “normal” practice for DoE to expand the built capacity of schools as resident student numbers increase. Funding for these expansions is sought typically either one or two financial years in advance of the need for the additional accommodation.

Clause 511.

The last sentence is clearly a baseless statement and needs to be removed. On what basis does the CCC make a vague statement to the effect “It may never be built”

Clause 513.

Similar to clause 511, the last 5 words need to be removed. They are merely supposition and have no factual basis.

The following response relates to comments made by the Director-General of DoE, Clause 501 refers to the DG’s media statement being designed to mislead Minister Grace and the Premier.

Clause 502 refers to a number of senior officers, including the Assistant Director-General along with others have crafted the media statement

This statement in relation to the Assistant Director-General is not correct. The CCC has a copy of the email I sent providing information for others to prepare the media statement. I was not involved with preparing the actual statement, nor did I see it before it was released. The comments in my email are correct and not mis-leading. It is not valid to connect my statement to a specific claim that I was involved in crafting the media statement. The comment in Clause 499 stating that “... they appear to have crafted ....” and “...provision of information .....to relieve them of culpability.” is misleading in relation to the ADG and as such reference to the ADG in this clause needs to be removed.

Please consider these comments and amend the report accordingly.

Regards

[ADG, IS]

Assistant Director-General  
Infrastructure Services Branch  
Department of Education  
Queensland





## Annexure 7D: Submission from the Vice-Chancellor

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### Response by Vice-Chancellor of UQ on the July 2020

#### Draft Report by the Crime and Corruption Commission

I refer to the Crime and Corruption Commission (CCC) Draft Report on its 'Investigation into allegations relating to the appointment of a school principal' dated July 2020 (**Draft Report**).

This document constitutes my comments on the Draft Report.

I do not require this document to be kept confidential and request that a copy be published with the CCC's Final Report.

The matters on which I would like to respond are set out below.

- 1 The contents and conclusions of the Draft Report, and the detailed submission from the Director-General of the Department of Education annexed to the Draft Report, mean that some aspects of the Draft Report are incorrect, or create incorrect impressions. Those aspects of the Report fail to find support in the recited evidence, or are otherwise inconsistent with the facts accepted by the Draft Report and the written submission of the Director-General.
- 2 The following factual matters referred to in the Draft Report and the Director-General's submission are particularly relevant:
  - (a) The idea for the Deputy Premier to meet with Principal A was initiated in a conversation between the Deputy Director-General (**DDG**) of the Department of Education (**DoE**) and the Principal Adviser within the DoE.
  - (b) Implementation of the idea to have the Deputy Premier meet with Principal A was initiated in a subsequent call on the same day between the Principal Adviser and the Chair of the Selection Panel for the position of principal for the ICSSSC.
  - (c) Both those conversations took place on **14 March 2019**. (See paragraphs 91 to 197 of the Draft Report).
  - (d) Those conversations took place the day **before** the Deputy Premier called me on 15 March and raised the topic of the selection of Principal A. (See paragraph 201). I did not initiate that call or the topic of Principal A's selection.
  - (e) In my conversation with the Deputy Premier on 15 March 2019, in response to a direct comment from the Deputy Premier, I stated words to the effect of:

*"the selection panel had recommended the only appointable candidate but the field was not strong because the position was advertised at a Band 11 level and not at [Executive Principal] level as was originally indicated".* (See paragraph 204).
  - (f) In that same conversation with the Deputy Premier I confirmed that if Principal A were appointed, UQ was willing to support Principal A by hosting her at UQ for the first year of her appointment. The Deputy Premier described that offer as "a great idea". (See paragraph 206)
  - (g) I had a legitimate interest in ensuring the best possible field of candidates to select the principal from, and to advocate for that position – matters confirmed by the CCC.



(See paragraphs 592 and 593). For the ICSSSC to succeed it had to have a strongly qualified and experienced principal.

- (h) The importance of having the principal's position advertised at the Executive Principal (Band 12) level as originally promised by the DoE was important to me and others on the Selection Panel to help ensure success of the ICSSSC. I held that view from the very outset and throughout the process, including before any candidates were interviewed by the Selection Panel. This is evident from the Draft Report in paragraphs 116, 122, 123, 130, 133, 146 and 150. The importance of this issue is at the core of why I was concerned enough to raise the issue with the Deputy Premier when she asked me about Principal A's selection and why I raised the issue with the DDG when I first learnt that the position had not been advertised at Band 12 as originally promised.
- (i) I was concerned at the fact that UQ had been misled by the DoE as to the level at which the position would be advertised (Band 11 and not Band 12 as originally promised), and the consequence of that decision by the DoE on the strength of the field from which the principal would be selected. (See for example, paragraphs 204, 209 and 234). Again, the concern here was to ensure we got as strong as possible a field from which to select a principal. The ICSSSC was to be a paradigm school in which new approaches to education were to be tested as a precursor for wider reform in other High Schools. A strong leader for such a school was really important.
- (j) Others on the Selection Panel shared the objective of attracting a strong field but ultimately, the DDG and the Chair of the Panel had concerns about the suitability of Principal A. The Director General has confirmed that in a call with the Chair of the Selection Panel the Chair told him that she and the DDG had "*concerns about the suitability of Principal A for the Band 11 role*".
- (k) The decision not to appoint Principal A was not made by me or with my input. "*The DDG has taken ownership of the decision not to appoint Principal A*". (See paragraph 616).
- (l) The decision to engage in a second selection process for the position of principal for the ICSSSC was taken by the DDG and the Chair of the Selection Panel, not by me. (See paragraph 237). I questioned whether that decision was appropriate given that Principal A had already been selected with the Chair of the Selection Panel and was told not to worry about it. (See page 40 of the Transcript of my evidence to the CCC).
- (m) The Director-General's submission to the CCC unequivocally accepts that the issues of concern relating to the selection process identified by the CCC fall at the feet of a person within the DoE. (See page 13 of Annexure 7A to the Draft Report).

3 In light of the matters referred to in paragraph 2 above:

- (a) there is no factual, fair basis or relevance to any implied assertion in the Draft Report that I was in a position to influence or did influence the Deputy Premier to meet with Principal A – that decision was put in train and organised by the DDG and others. That being the case, the Draft Report should expressly acknowledge that I was not responsible for the decision which led to the Deputy Premier's meeting with Principal

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A and any parts of the Draft Report creating an incorrect impression of influence over the Deputy Premier should be removed; and

- (b) there is no factual or fair basis to any assertion in the CCC's observations about the conduct of the Selection Panel that I was expressing dissatisfaction with, or disparaging about, Principal A as that is simply not true. My concerns were with the fact that by the DoE advertising for the position at Band 11 and not at Band 12, the field of candidates was not as strong as it should have been for such an important position – a concern shared by other panel members and ultimately the DDG. Again, any suggestion that I was expressing dissatisfaction with Principal A or disparaging of her should not be suggested in the Final Report as they are not true.

Signed by the Vice-Chancellor this 30th day of June 2020

A black rectangular box redacting the signature of the Vice-Chancellor and President.

Vice-Chancellor and President

## Annexure 7E: Submission from Jackie Trad MP

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### SUBMISSIONS ON DRAFT PUBLIC REPORT

#### **RE: Investigation by the Crime and Corruption Commission into allegations relating to the appointment of a School Principal**

##### **Introduction**

1. We are briefed to respond to the draft report on behalf of Ms Trad received at approximately 12.28 pm on Monday 30 June 2020. The time given to respond to the draft report is noon on Wednesday 1 July 2020.
2. This response contains general submissions about the draft report. Further to these general submissions, we repeat and rely upon parts of the submissions made in response to the first draft. Those parts are contained within **Annexure A** to these submissions. They have been amended to take into account changes between the first draft of the report and the report provided on 30 June 2020.

##### **General submissions**

3. The report should state its conclusions about Ms Trad at the beginning.
4. We reiterate our earlier submission to you that the report is unfairly drafted because it does not contain an executive summary at the beginning of the report. As a consequence, the report raises questions and invites speculation about Ms Trad's conduct without alerting the reader to the fact that its conclusions exonerate her of the claims of corrupt and criminal conduct that were unfairly made against her.
5. By way of example, at paragraph 22 of the draft report the CCC notes that the Queensland Parliament is "*entitled to know whether or not [Ms Trad] ... has committed a criminal offence*". The most basic approach to fairness would dictate that the report should then immediately alert the reader that the CCC has concluded that there is no evidence that she has committed an offence.
6. In the same paragraph, the draft report notes an entitlement to know whether Ms Trad "*directly or indirectly, intentionally or otherwise, actually exerted a level of influence*" over the recruitment process. Again, fairness must dictate that the reader would be

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alerted to the fact that the draft report ultimately finds that Ms Trad did not intentionally or deliberately exert any influence over the recruitment process and that what occurred was a function of senior public servants behaving in ways which Ms Trad had nothing to do with.

7. It is both unorthodox and concerning that the CCC will not make those matters clear at the very beginning of this report.
8. The matters that are clear from the draft report and should be made clear at the very beginning are:
  - i. There is no evidence that Ms Trad committed a criminal offence;
  - ii. There is no evidence that Ms Trad was motivated by any dishonest or corrupt intent in any of her interactions that are the subject of the report;
  - iii. In relation to the decision not to appoint Principal A, a meeting with Ms Trad was used by senior public servants as a ‘test’ to decide whether to proceed with the appointment. This was unorthodox, wrong and done without Ms Trad’s knowledge or consent;
  - iv. Ms Trad had nothing to do with, and had no knowledge of, any misuse or misreporting of projected student numbers.
  - v. Ms Trad has cooperated openly and completely with the CCC throughout its investigation, including voluntarily providing information, documents and offering to be voluntarily interviewed.

#### **Addressing Details in the Draft Report**

9. Parts of the draft report are factually inaccurate, unfounded or invite speculation and should be removed.

#### Paragraph 8

10. The second sentence in paragraph 8, is, with respect, quite wrong. Its inaccuracy significantly undermines the integrity of other parts of the report which display reasoned analysis, and which has uncovered significant aberrations by public servants.
11. It currently asserts that the report exposes “*how one senior public servant’s over-responsiveness to a politician resulted in decision-making being infected by perceived*

Page | 2



*political influence, and how that politician involved herself in departmental decision-making processes.”*

12. We infer, as will others, that the public servant referred to here is the DDG, and the “politician” is Ms Trad. For the DDG to be overly-responsive, there must have been:
  - i. something that Ms Trad did to which the DDG was responding;
  - ii. that response was “overly responsive”.
13. The facts do not demonstrate anything that Ms Trad did which called for a response from the DDG. It is plain from your findings that Ms Trad did not raise the issue of executive level principal with the DDG until 8 April 2019 some two days after she had been advised via text that a Departmental decision had been made to go out to the market again at executive principal level.
14. Thus, there was nothing done or said by Ms Trad that preceded the decision not to bring Principal A’s appointment to fruition which could be regarded as something to which the DDG was responding.
15. It must also firmly be borne in mind that the DDG proceeded with the meet and greet with Ms Trad as a “pretence”. That pretence was unknown to Ms Trad. The DDG was not being responsive to Ms Trad but rather acting in an aberrant way in making Ms Trad an unwitting participant. This is hardly the actions of anyone who would be said to be overly responsive to Ms Trad.
16. The second sentence in paragraph 581 is fundamentally flawed for the same reasons. The conduct uncovered by the CCC does not “*demonstrate the real danger of public servants being “over-responsive” or “over-sensitive” to the perceived wishes of their political masters*”. The evidence simply does not demonstrate this. This may have been a working theory that the CCC had early in its investigation of the matter, but, as you are aware, it has certainly not been borne out by what was, in fact, uncovered. Again, this part of paragraph 581, like the second sentence in paragraph 8, may be an unintended vestige from an earlier theory which must necessarily be disregarded in light of what the investigation actually discovered.
17. We note the CCCs lack of response to our previous request for the inclusion of evidence undoubtedly collected from the DDG during the CCC’s investigation, both through



compulsory interview and access to telecommunications records, that communication did not take place between Ms Trad and the DDG in relation to the decision to go back out to the market again at executive principal level. Again, we find it very concerning that the CCC has not yet made this issue clear in the report

18. The paragraph also refers to Ms Trad being willing to involve herself in the selection process. If this is intended to relate to the meet and greet that the DDG arranged, then the statement is categorically wrong and misleading. There is no evidence whatsoever that Ms Trad knowingly involved herself in this additional step that the DDG has decided to put into the selection process.
19. In this regard, we note:
  - i. The evidence and conclusions reached by the CCC regarding the first process, at paragraphs 275 and 467, make clear that the “testing” of Principal A with Ms Trad at the 29 March 2019 meeting was done without Ms Trad’s knowledge, understanding or consent. Any objective reader of this paragraph, and more so the interested journalist, would unfairly draw the immediate conclusion that Ms Trad deliberately involved herself in this first process.
  - ii. In addition to the fact established in the Report that Ms Trad was unaware that the ‘meet-and-greet’ was in fact a ‘test’ devised by the DoE, evidence has also been given by the DDG and the Panel Chair that Ms Trad did not seek to be involved nor did she provide any feedback in relation to principal A. The DDG states that the decision was his.
20. If this sentence was intended to relate to Ms Trad’s telephoning [VICE-CHANCELLOR] then this should be made clear. As the paragraph currently reads, it connects the statement of willingness to involve in selection process with a meeting that the DDG arranged, unknown to Ms Trad, as a pretence.
21. If the words are intended to relate to the telephone call to [VICE-CHANCELLOR] after meeting the potential applicant, then the words overstate what occurred. Ms Trad was not intending, nor did she, involve herself in the selection process in the second round by making this telephone call. That overstates the position. Rather, at its highest it might be said that Ms Trad sought to reassure [VICE-CHANCELLOR], given the Vice Chancellor’s disappointment in the calibre of the applicants to the Band 11 Principal selection process. Ms Trad would





more than likely have been conveying that he would not be disappointed with the calibre of candidates in Executive Principal position based on the meeting she had just had with an applicant.

22. In other words, Ms Trad was reassuring and managing a stakeholder, not interfering in a process.
23. It is submitted that the proper way to characterise the reports finding is “*that it exposes how a decision of senior public servants to depart from acceptable process resulted in extremely regrettable consequences, including a perception that a politician had influenced the process, whereas the reality is that the politician had been made an unwitting participant in those senior public servants aberrant conduct.*” Put simply, this is not about a senior public servant being overly responsive to a politician. It is not about a politician involving herself in departmental decision-making processes. It is about senior public servants acting outside process.
24. Put another way:

*This report details an investigation arising from an allegation that the then Deputy Premier interfered in a DoE recruitment process. It sets out how some of those involved in the process, conducted by the DoE to select a principal for a new school, failed in promoting best practice human resource management. It exposes how one senior public servant engaged in irregular practices, that could be open to accusations of being influenced by perceived political influence, in order to rectify an unsatisfactory outcome to a recruitment and selection process.*

Paragraph 243

25. With respect to paragraph 243, we note, out of an abundance of caution, that we have presumed that the conversation to which the DDG refers was a conversation with the Panel Chair or some person other than Ms Trad. Clearly, had the DDG suggested that he had this conversation with Ms Trad, the CCC would have ensured that that was put to Ms Trad during the course of examining her during the hearing. It did not do so. Further,



for the sake of clarity, we confirm that such a conversation most certainly is not part of Ms Trad's recollection.<sup>1</sup> as detailed in paragraph 246.

Paragraph 320

26. Paragraph 320 is not correct. It states that "*the deputy premier initiated contact with the DDG on 1 April 2019*". The text exchanges which appear in paragraph 321 makes it plain that it was the DDG, not Ms Trad, who initiated contacted on that day.

Paragraph 455

27. The 21 August 2019 date was not to officially announce Principal B as the Foundation Principal. That occurred on 2 September 2019. Adding the words "*to film a video to*" in front of the words "*to accompany*" will correct the inaccuracy.

Paragraph 447 - regarding Principal B

28. We note the submissions made on behalf of the DG (Page 12 of the submission from *Robertson O'Gorman*, page 111 of the draft report), that the DG is profoundly concerned about the potential for a perception that the independence of his office in the recruitment process was compromised due to communications between X and Ms Trad. We wish to observe that the recruitment process was not compromised due to communications between X and Ms Trad. We further confirm that Ms Trad is not, and was not, aware of the DDG telephoning her in the presence of Principal B. (We deal with this in further detail in **Annexure A**.)

Paragraph 467

29. At paragraph 467 you have stated that Ms Trad was "*arguably misled*". The word "*arguably*" should be removed. We are not aware of any evidence whatsoever which would support an argument other than the fact that Ms Trad was actually misled. We again refer to the evidence of the DDG who makes it plain that he proceeded on a pretence. We note again that Ms Trad was not the only person misled – Principal A, the Premier and the Minister for Education were also misled in various ways. There is no proper basis for assuming that all of these people, save for Ms Trad, were misled. It

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<sup>1</sup> See, also, on this, paragraph 246 of your report which states that Ms Trad does not recall having a conversation about meeting with Principal A other than with her electorate staff and this was only after the DoE suggested she meet with Principal A.



invites speculation to include the word “*arguably*” in this paragraph. It should be removed as a matter of fairness, accuracy and integrity.

30. Ms Trad did not know, until reading the report, that when the DoE representatives conducted the meet and greet with her on 29 March 2019 they were departing from acceptable departmental processes, let alone doing so in such a profound way. They admitted using Ms Trad as a “*test*” for Principal A who they clearly did not want to appoint. It is obvious this should never have occurred. The DoE representatives should never have put Ms Trad in that position. Had they not done this, Ms Trad would not have been put through what has been a very difficult and stressful experience of facing these allegations publicly in the media and through the process of the CCC.

Paragraph 705

31. This paragraph should be deleted, for more reason than one. The first is that if the CCC considered that this action should have been taken, this is something that ought to have been squarely put to Ms Trad while under examination so that she could answer it. It was not put by the very experienced Counsel Assisting or by the presiding officer.
32. The second reason is that it is unfair. The text message was received very shortly prior to the meeting, in circumstances where Ms Trad was busy going from engagement to engagement. She was already running late to the meeting. It applies a counsel of perfection in hindsight. It is unfair to suggest that Ms Trad should have read the text from the DDG as indicating that Principal A was not going to be appointed or was not going to be told, rather than for what it actually said, which was simply that she had not yet been told. Ms Trad was entitled to rely upon a public servant of the DDG’s seniority and standing to advise her in unambiguous terms that there was a prospect that Principal A’s appointment might not proceed. She was certainly entitled to expect that if there was any prospect of that, the DDG would have cancelled the meeting. It is not for Ms Trad to divine that there was a problem arising from the text sent by the DDG while he was walking around West End. He could have, and should have, telephoned Ms Trad and told her what was actually occurring. Had that happened, Ms Trad would have put a stop to it immediately.



Telephone call to [VICE-CHANCELLOR] – paragraphs 635 - 638

33. The criticism of Ms Trad in relation to the telephone call following the meeting with a prospective candidate is unfounded. While it is easy to be critical with the benefit of hindsight, it must be recalled that the CCC has (correctly) found that there was nothing inappropriate in meeting a prospective candidate before a recruitment process commences.
34. Further, the evidence strongly supports the proposition that Ms Trad did not use the candidate's name. (We have made further submissions in respect of this point in **Annexure A.**)
35. Finally, there is simply no evidence that the actual motivating feature for the telephone call itself was to discuss anything about the potential applicant. The meeting likely served as a prompt to call [VICE-CHANCELLOR] about other matters, but not the motivating feature for the call. As per Ms Trad's submission of 21 May 2020:
  - i. The call duration was 3 minutes and 43 seconds. One would expect it did not solely comprise a discussion regarding the male candidate, particularly where [VICE-CHANCELLOR] recollects minor detail.
  - ii. Ms Trad has considered her diary around that period of time. After the meeting with [POTENTIAL APPLICANT], and the timing of the telephone call with [VICE-CHANCELLOR], Ms Trad participated in the major announcement of the winning design for the new theatre for QPAC, the pre-CBRC meeting, the CBRC meeting, and then led the debate on an Opposition motion in Parliament before attending and speaking at a Small Business Reception.
  - iii. As you would understand from your own experience, sometimes events or issues will trigger another reason for contacting someone. It seems possible that Ms Trad's meeting with the potential applicant, which related to the school, triggered a connection in her mind with [VICE-CHANCELLOR] given [VICE-CHANCELLOR] role with the school, to contact him regarding another matter, for example, the demolition and replacement of the Schonell Theatre which was a significant issue in late 2018 and throughout 2019 (see, for example, <http://www.semperfloreat.com.au/history-of-schonell/>).



- iv. Given [VICE-CHANCELLOR] previously expressed disappointment in the calibre of candidates, it seems possible that Ms Trad may have mentioned that she had met with someone. Put another way, whilst conceding she has a vague recollection of the call, Ms Trad believes that the meeting with the applicant likely acted as a reminder for her to speak to [VICE-CHANCELLOR] regarding the Schonell Theatre issue. It seems more than likely that the Schonell Theatre issue was the dominant subject of that discussion.
- v. Currently, the report considers these matters in a vacuum.
- vi. Ms Trad's imperfect recollection of conversations had more than a year ago is entirely understandable. As detailed in the submission provided on 21 May 2020, Ms Trad literally receives and makes hundreds of calls every month, and several thousand over the course of a year.
- vii. Obviously, the notion that Ms Trad would seek to politically influence a Vice Chancellor of a prestigious university is preposterous.
- viii. The motive for the call was clearly and unequivocally not to advocate for the potential applicant. As detailed in previous submissions, Ms Trad and the Vice Chancellor had a professional relationship dating back to 2015. Ms Trad and the Vice Chancellor had an on-going dialogue in relation to the ICSSSC, regarding matters (detailed in previous submissions of 24<sup>th</sup> April 2020 and 21<sup>st</sup> May 2020 but, not referred to in the report), including, but not limited, to site selection, catchment, availability of UQ facilities and branding.
- ix. As also set out in previous submissions, Ms Trad had ongoing professional dialogue with the Vice Chancellor on a range of issues of relevance to the Government generally and her community specifically, such as the UQ master plan, the proposed footbridge between West End and UQ, the demolition of the Schonell Theatre, the suggested research and commercialisation concept for Boggo Road (suggested for incorporation into the South East Queensland City Deal), International Education and the impact of COVID-19 on the Higher Education Sector.
- x. As submitted above, it seems more than likely that the Schonell Theatre issue was the dominant subject of that discussion.



- xi. As stated above, Ms Trad was not advocating for any particular individual. To consider that to be the case, would be to elevate the contact far beyond what actually occurred. It is abundantly clear that [VICE-CHANCELLOR] did not consider that he was being prevailed on, or influenced, or the subject of interference. He did not make notes, unlike an earlier occasion which he considered of sufficient significance to do so. The contact on this occasion was clearly not regarded by him of significance such as to make a note of it. He was not asked to do anything. He took no action. In all, it was a benign and brief interaction, not intended to influence the process, and not one which did influence the process. Once again, the notion that Ms Trad would seek to influence [VICE-CHANCELLOR], a Vice Chancellor of a prestigious university, does not stand up to objective analysis.
36. All of the above is entirely consistent with Ms Trad’s evidence that she was in no way advocating or promoting the potential candidate as a suitable candidate, which is hardly surprising given that he was not someone that she knew or could have formed a firm opinion as to whether he was, or was not, a suitable candidate. We have previously referred to the need to consider, in full, the evidence of Ms Trad as to her not advocating for a potential candidate, including:
- i. *“it was not about putting forward a preferred candidate, it would have been about well saying that I’ve just met with this fellow, he seems nice. It wasn’t about putting forward a candidate.”* (Page 63).
  - ii. *“if it was a very short conversation it was probably a courtesy, it was probably about mentioning the person, not advocating for the person.”* (Page 63).
  - iii. *“I wouldn’t base an actual professional opinion about someone’s capacity to be a Principal based on a 15 minute meeting.”* (Page 64).
  - iv. *“...I would not have put him forward as a preferred candidate. I would have relayed that I had met with him but I would not have said he would make a good Principal. I do not know, I did not know that he would make a good Principal and that is ultimately up to a selection panel to determine.”* (Page 65).



37. Assertions contending that the call was unwise or inappropriate completely fail to understand the context in which the call was made.
38. With the benefit of hindsight, it is accepted that it might have been preferable not to have mentioned, in passing, in the course of another conversation on unrelated matters, that she had met with a potential applicant but we reiterate and emphasis that there was no attempt at any stage for Ms Trad to influence the process whatsoever. In this regard, we note that you have specifically found that she did not influence the process.

Paragraph 689

39. Submissions with respect to paragraph 689 are set out in **Annexure A**.

**Publication**

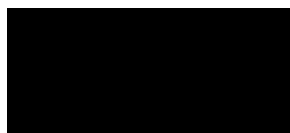
40. It is submitted that this submission, including **Annexure A**, be published with the final report, in accordance with natural justice.



Dr K A Mellifont QC

Counsel for Ms Trad

Instructed by *McGinness and Associates Lawyers*



Mr S C Holt QC

1 July 2020



## **ANNEXURE A: SUBMISSIONS ON DRAFT PUBLIC REPORT**

### **RE: Investigation by the Crime and Corruption Commission into allegations relating to the appointment of a School Principal**

#### **Commencing observations**

1. Ms Trad did not know, until reading the report, that when the Department of Education (DoE) representatives conducted the meet and greet with her on 29 March 2019 they were departing from acceptable departmental processes, let alone doing so in such a profound way. They admitted using Ms Trad as a “*test*” for Principal A who they clearly did not want to appoint. It is obvious this should never have occurred. The DoE representatives should never have put Ms Trad in that position. Had they not done this, Ms Trad would not have been put through what has been a very difficult and stressful experience of facing these allegations publicly in the media and through the process of the CCC.
2. It must be noted that Ms Trad has been completely cooperative with the CCC throughout its investigation including voluntarily providing information, documents and offering to be voluntarily interviewed.
3. It is submitted that, as a matter of fairness, the report needs to state at the outset:
  - i. There is no evidence that Ms Trad engaged in any corrupt and/or criminal conduct;
  - ii. Ms Trad did not know, at the time she met with Principal A on 29 March 2019, that the DoE was not going to appoint Principal A;
  - iii. Due to the wrongful and coordinated approach between DoE staff and executives to use Ms Trad in this fashion, Ms Trad became an unwitting participant in failures of process within the DoE.



4. Further, as Ms Trad stated in evidence, that she was certainly not seeking to influence or interfere in the selection process at all.<sup>1</sup>
5. Given the public commentary surrounding this matter generally, and the language used elsewhere in the report before the conclusions are reached, it is essential that the position be clear at the outset.
6. The remainder of these submissions address particular paragraphs. Where changes are sought, we have made the basis for that clear, including, for reasons of accuracy, balance and fairness.

### **Response**

#### Paragraph 8

7. This paragraph states that the report “*exposes how one senior public servant’s over-responsiveness to a politician resulted in decision-making being infected by political influence, and how that politician [involved] herself in departmental decision-making processes*”.
8. This statement should be removed. It is not consistent with the conclusions that the report reaches, nor is it consistent with the evidence. The DDG makes it perfectly clear that he was not acting in order to be responsive to Ms Trad: the contrary is true. It is perfectly apparent that the DDG and others used the meet and greet with Ms Trad to somehow test the applicant which the first-round selection panel had selected. The notion that the DDG was over-responsive to Ms Trad or infected by political influence is in fact the direct opposite of what occurred, given that Ms Trad was the one who was used, and became an unwitting participant in the DoE’s departure from appropriate process.
9. More importantly, there is no evidence that Ms Trad involved herself in departmental decision-making processes. She did not do so. The decision to arrange a meeting with Ms Trad was taken by the DoE public servants. The decision to proceed on pretence that this was a run of the mill meet and greet of a new principal was taken by the DoE public servants. The decision to select Principal A was made by the DoE, without the knowledge or involvement of Ms Trad. The decision to override the appointment (which had already been made by the DoE) of Principal A was done without the knowledge or involvement

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<sup>1</sup> Transcript of hearing of Ms Trad, page 77, lines 15-22



of Ms Trad. The decision to re-advertise the position to an executive level was made by the DoE, without the knowledge or involvement of Ms Trad.

10. In summary, the report does not conclude or set out evidence that a senior public servant was being over-responsive (or in fact responsive) to a politician or that the process was infected by political influence or that the politician involved herself in departmental decision-making processes. The second sentence in paragraph 8 should be deleted
11. Further, these propositions were not put to Ms Trad in the course of the compulsory examination by experienced Counsel Assisting and before an experienced sitting member. There is a significant unfairness in floating these conclusions when they were not put to Ms Trad so that she could have a proper opportunity to respond to them.
12. Again, we stress that the report does not draw the conclusions that this statement appears to preview. It may simply have been missed in the drafting process when the conclusions to be reached were left open, but it should be removed so that the report is entirely clear. Given the commentary surrounding this matter in the media, the high likelihood is that a statement of this kind will be taken as representing the CCC's conclusions when, on a reading of the conclusions, it does not.

Paragraph 17

13. We ask that consideration be given to add that there is no suggestion whatsoever that Ms Trad sought to prepare a "story".

Paragraph 26

14. We note the general observations that *"If senior officers in the DoE have engaged in conduct that has fundamentally undermined the accountability and transparency of a recruitment and selection process and been influenced by a politician to take certain actions this does nothing to reinforce the Westminster system"*. (Our underlining)
15. This comment is prejudicial, particularly given that the report has not made clear, by the time this paragraph appears, that the recruitment and selection process was not, in fact, influenced by a politician to take certain actions. It is submitted that it should be removed entirely, given the ultimate findings do not support the proposition of political influence, and thus the comment is unnecessary. If this submission is rejected, then, at the very



least, it ought to be accompanied by an unequivocal statement that the process was not influenced by a politician to take action.

Paragraph 147

16. In fairness, it should be noted that Ms Trad was not aware, until reading the draft report, that the panel members stated that the Vice-Chancellor said he would “*follow that up with the local member*”. Ms Trad did not know that the Vice-Chancellor did, or may, have said this to the panel. This is important because the way the sentence currently reads is as though the panel members may have been under the impression that the Vice-Chancellor had the ability to somehow influence the process being elevated to executive principal level by following it up with the local member.

Paragraph 148

17. This paragraph which states “*The panel members stated the Vice-Chancellor had commented on occasion about his association with the Deputy Premier and him having dealings with her*” should either be removed or it should be made plain that Ms Trad was not aware of these comments and that Ms Trad denies there is any prospect whatsoever of the Vice-Chancellor having had dealings with her which would interfere with ordinary departmental processes.
18. We would submit that there would be no difficulty in you removing this paragraph entirely because it does not contribute to the ultimate findings made.

Paragraph 188

19. Paragraph 188 states that the Principal Advisor stated the Deputy Premier asked questions about why the position was not at the Executive Principal level and what was the difference in salary between an Executive Principal and Band 11 principal. As a matter of fairness, the report should note that this was not put to Ms Trad for response in the course of examination.
20. It is relevant to note that the Principal Advisor’s perception of Ms Trad on the day was that she was “*really happy*”. The text messages exchanged between the Principal Advisor and the DDG at this point give the clear impression that Ms Trad was not being demanding, was not wanting details of candidates or selection panel members or wanting to interfere. The only query she made, according to the text exchanges, concerned why



the position had been downgraded, which was wholly consistent with her recollection, as previously submitted, that the principal was always supposed to be at executive level.

Paragraph 198

21. Only upon reading the report has Ms Trad become aware that some two weeks before the meet and greet, the Panel Chair elevated concerns about the suitability of Principal A for the role of principal for ICSSSC. We submit that it is abundantly clear that if the Panel Chair had this concern at this point in time the process should have been paused. The DG was clearly aware of this concern in respect of Principal A and, rather than deal with the matter appropriately within the DoE, a decision was made by some to “test” the preferred candidate with the Local Member. That the DG would allow this to go on is very surprising. It need hardly be said that Ms Trad was entitled to rely upon senior public service executives to act in a trustworthy and reliable way in accordance with departmental principles.

Paragraph 240

22. We observe that the Panel Chair stated that the DG assured her that the Deputy Premier does not make the decision to appoint principals of the schools and is not part of the selection process.<sup>2</sup> This was a correct statement. There is nothing in the evidence to suggest that Ms Trad behaved otherwise. We make reference to this statement by the Panel Chair so as to emphasise the importance of that statement, as a matter of fairness to Ms Trad: Ms Trad did not participate in the decision, and was not part of the selection process.

Paragraph 246

23. We note that the content of the paragraphs referred to in the footnote provide important qualifications to the evidence quoted in this paragraph. Paragraphs 213-218 set out the full context of Ms Trad’s recollection and comment in respect of this matter. Of critical importance, Ms Trad expressly stated that she would not accept the offer of a meeting while the process was afoot. She made it perfectly clear that her view should not be taken into consideration in respect of the recruitment which was to be an independent selection process. Without consideration of paragraphs 213-218, paragraph 246 is apt to create a misleading impression that Ms Trad might have had a conversation with the Vice-

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<sup>2</sup> Statement of the Panel Chair paragraph 21 and footnote.



Chancellor about meeting the candidate but simply did not recall it. Her evidence makes it plain that she denies she would have agreed to any suggestion to meet with a candidate prior to the selection process being completed.

Below Paragraph 266

24. We emphasise that nobody within the DoE advised Ms Trad that they were using Ms Trad as a “test” for Principal A. It should also be stated that Ms Trad’s evidence is that, had she been aware that Principal A was not going to be appointed or that there was some prospect of her not going to be appointed, then she would not have met with Principal A. In this regard, she stated that:

She would not meet with an applicant “*while the process was afoot*”;<sup>3</sup> and

*PO: ...at the time you met with Principal A. at the end of March, was there any significance in your mind of whether or not the process had concluded and she’d been formally appointed to the position?*

*W: I understood that she was the successful candidate and therefore that she had been advised.*

*PO: Alright. If you had understood otherwise that, understood that the process had not been completed, would your position about meeting her have been different?*

*W: If it had been made clear to me that I was a participant in a process that should have been an independent selection process then I would not have participated.*

*PO: Alright and why is that?*

*W: Well because it’s a process that is conducted independent of political interference.*<sup>4</sup>

Paragraphs 282-286

25. We have difficulty in seeing the relevance of Ms Trad’s mood at the meeting. Unless conducting meet and greets involves a personality test which is susceptible to comment

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<sup>3</sup> Transcript of hearing of Ms Trad – page 75, lines 1-3.

<sup>4</sup> Transcript of hearing of Ms Trad – page 55, lines 22-40



by the CCC within its statutory remit, these paragraphs ought be removed. They are gratuitous and add nothing to the proper assessment of the serious matters that the report otherwise deals with. While they are likely to become headlines, they do not advance the task of the CCC at all. Nor do they assist those to whom the CCC intends to report.

Paragraph 287

26. None of these statements made by Principal A were put to Ms Trad in the course of examination and thus she was not given an opportunity to respond to them. (Had this occurred, Ms Trad would have responded that it is a sensible rapport building question to ask someone about their achievements, and what has given the person the most professional pride. She would have responded that she would not likely have asked “*what makes you think you can transform a community?*” because the question is nonsensical: with a new school, you are establishing or building a new learning community, that is, it isn’t a “*transformational*” process.

27. In any event, whatever the questions were, they were merely part of a meet and greet. This was not, in Ms Trad’s mind (and certainly not in her staff’s mind) an “*interview*” or anything of the kind.

Paragraph 309

28. This summary of the evidence is apt to create an incorrect impression. To rectify this, cross-reference needs to be made to paragraph 325, which clarifies that Ms Trad did not have any recollection of a conversation occurring between the text message exchange on 1 April 2019 and receiving the text message from the DDG on 6 April 2019.

Paragraphs 314-315

29. We note that the evidence reveals that:

- i. The DDG stated that he had decided, while walking around West End prior to the meeting with the Deputy Premier, that he had no confidence in moving forward with making an offer of appointment to Principal A;
- ii. Notwithstanding this, he proceeded with the meeting with the Deputy Premier;





- iii. Upon returning to his office after the meeting, the DDG attempted to telephone the Panel Chair to advise her of his decision.<sup>5</sup>

Paragraphs 321-323

30. The use of the word “*keen*” in this text is perfectly sensible and benign in context: to seek clarification of the 29 March 2019 text – to seek to understand why the successful candidate had yet to be informed that she was the principal elect for a new \$150 million high school. Obviously any local member, with any level of interest in his or her community, would seek clarification of that.
31. We note, for completeness, the evidence quoted in paragraph 322 was in response to the question: “...*can I ask you when you use the word keen, also keen, when you use the word keen how do you use that in your usual language?*”.

Paragraphs 324-326

32. It was not put to Ms Trad during her examination that there had been contact between her and the DDG. We take it, therefore, that the DDG gave evidence consistent with Ms Trad’s evidence, that is, that there was no contact between 1 and 6 April 2019. If that is the case, it is submitted that the report should properly include the evidence given by the DDG confirming that there was no contact between him and Ms Trad during that time period.

Paragraph 329

33. It was not put to Ms Trad that she had in fact responded. We assume the DDG’s evidence was consistent with that fact and if so, it should be included.

Paragraphs 348-349

34. Again, if the DDG gave evidence consistent with Ms Trad’s evidence that the call related to other matters then that should be included.

Paragraph 350

35. Again, if the DDG gave evidence consistent with Ms Trad’s evidence that the telephone call related to other matters then that should be included in the report. So too, the report should include that it was not suggested to Ms Trad, in the course of her examination,

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<sup>5</sup> Statement of the Deputy Director-General – page 12, [55] and page 13, [69]



that the telephone conversations included anything to do with the principal position or the ICSSSC.

Paragraph 355

36. Ms Trad is unaware of who, if anyone, has made this assertion. The text does not make it clear that someone has in fact made that assertion, or whether it was simply a proposition put by Counsel Assisting to the DDG in the course of the examination. It is submitted that this should be clarified.

Paragraph 359

37. We note the Panel Chair did not advise the selection panel members that a meeting would be or had been held between Ms Trad and Principal A for the purpose of further testing Principal A's capabilities for the principal position. The fact that Ms Trad was not the only one who had not been advised of these things, (and was entirely unaware of the ulterior purpose of the meet and greet) is, of course, consistent with, and supports your conclusion.

Paragraph 367

38. It is submitted that this paragraph should be removed because it is a speculative opinion: it is nothing more than a hypothetical. If this submission is not accepted, then, as a matter of fairness, the paragraph should be expanded to make the context clear: prior to the meeting, there was unhappiness within the DoE about the selected applicant; that the DoE decided to invoke, without Ms Trad's knowledge, acquiescence or complicity, a "test" for this applicant, and, even before the meeting (as the DDG was walking around West End), he had decided to advise the Panel Advisor he did not have confidence in the appointment.
39. The true catalyst for the appointment not coming to fruition was that the DDG had come to the decision that he had no confidence in the appointment. He did this before the meeting.
40. For whatever reason, he allowed the meeting to proceed anyway.
41. And, for whatever reason, when the Panel Chair told Principal A that she would not be starting as the Principal, she misrepresented the situation by saying (as the earlier draft report notes at paragraph 369), *"it's not you, it's about the school, UQ want to do things*



*differently*” when clearly the DDG had formed the opinion it was, indeed, about Principal A. (That is why he had no confidence in moving forward with making an offer of appointment to her.)

Paragraph 380

42. We observe that there is no evidence that Ms Trad encouraged anyone not to appoint Principal A or to start the recruitment and selection process at the Executive Principal level. There is no evidence because she did neither of these things.

Paragraph 406

43. We observe that this evidence is consistent with the Deputy Premier stating at the outset that she was not part of the selection process and had no influence in the process.<sup>6</sup>

Paragraph 413

44. The quotation box infers that Ms Trad referred to the person by name.
45. It was not put to Ms Trad that she mentioned the person by name to the Vice Chancellor and it is unfair to now make an assertion that she did.
46. Further, because we were not permitted to retain a copy of the Vice Chancellor’s statement, we cannot verify the accuracy or otherwise of the asserted proposition by reference to that statement, however our recollection is that the Vice Chancellor’s account was quite vague, and went no further than Ms Trad referring to a male person.
47. This difference is important. It lends weight to Ms Trad’s evidence that she was not advocating for that person (see quote at paragraph 415).

Paragraph 424

48. As a matter of fairness, it should be observed that Ms Trad was not aware of this conversation, did not instigate it, and would not approve of it. The first Ms Trad heard of this conversation was when reading the draft report.

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<sup>6</sup> Transcript of hearing of Ms Trad – Page 44.



49. It is appropriate to note that Ms Trad was not aware as to whether the person had actually applied, or where the process was at. Please cross-refer to the evidence set out in paragraphs 398 and 409.

Paragraph 438

50. We also note that Ms Trad gave evidence that she did not ask the DDG or anybody to meet with the candidate before an official appointment.<sup>7</sup>

Paragraph 447

51. We note that Ms Trad is not aware of any occasion in which the DDG telephoned her while Principal B was in his presence. If the DDG did this, it was not, and is not, known to Ms Trad.

Paragraph 448

52. As noted, it is not accepted that Ms Trad directed the DDG not to announce Principal B's appointment until she had returned from overseas.
53. Further, it is consistent with the established procedure within DoE to announce foundation principals for new schools with local MP's. We canvassed this in some detail in our submission of 19 June 2020 at page 6, that is:

DoE have ordinarily made announcements about new school principals at new schools with the local MP, for example:

Grace Grace - fortitude valley principal announcement including photos with the principal July 2018

<http://statements.qld.gov.au/Statement/2018/7/16/inner-city-north-state-college-principal-revealed>

Calliope school principal named, Gladstone MP quoted (no statement on statements page) July 2019 -

<https://www.gladstoneobserver.com.au/news/calliope-schools-foundation-principal-named/3769470/>

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<sup>7</sup> Transcript of hearing of Ms Trad, page 88.



██████ State Secondary College principal appointment including Logan MP quotes about the Principal March 2019

<https://www.couriermail.com.au/questnews/logan/principal-chosen-as-work-starts-on-states-newest-school/news-story/e75a7ed4e59463611d803ae68115bde6>

Logan MP meeting with newly appointed foundation principal ██████ State School August 2017 (link to Facebook post - screenshot **attached**)

<https://www.facebook.com/linus.power/posts/1902336380032986>

The Education Minister's office first advised Ms Trad's ministerial media adviser and electorate office on 7 August 2019 that the Department of Education is ready to announce the appointment of the new principal. (Copy of email **attached**).

54. We repeat and rely on those paragraphs. Consistent with this established procedure is the text from the DDG to Ms Trad on 25 July 2019 that states:

*"Have discussed announcement with the minister and given our estimates next week is Thursday, her suggestion is we announce the following Wednesday as you and I discussed via the local paper. We will prepare the release and story in your absence and be ready to go when you are back..."*

55. Ms Trad did not tell the DDG not to announce the appointment until she returned from overseas.
56. In any event, it is difficult to see how this is relevant. It could readily be removed without adversely affecting the report.

Paragraph 581

57. This paragraph should be removed. There is no evidence that the public servants felt pressure to be "*over responsive*" or "*over sensitive*". While that might occur in some cases, it is not the case here, and it is unfair to include this "*submission*" (as it is expressed).
58. It also completely undermines the conclusions of the draft report that otherwise find that the extreme irregularities here occurred at the behest of the public servants, who made



Ms Trad an unwitting participant. This is the polar opposite to a public servant being “responsive” to a politician.

59. These were senior public servants, paid well, in expectation that they would behave responsibly, professionally and true to their office. They did not. It is not a question of politicization, over-responsiveness or over-sensitivity: it is a question of senior public servants deliberately acting outside procedure, apparently in an attempt to remedy what the DDG described as “all [his] fault.”<sup>8</sup>

#### Paragraph 582

60. Paragraph 582 should not refer to “Ministers” because it invites speculation that a Minister in this case did engage in conduct that created a risk of a public servant being over-responsive or over-sensitive to the perceived wishes of their political masters when the facts simply do not bare that out and the speculation tends towards a view entirely inconsistent with the draft report’s findings. This type of motherhood statement does not contribute to a proper discharge of the CCC’s statutory remit when made in the context of this case.
61. The reference to “Ministers” has the potential to be grossly prejudicial to Ms Trad’s reputation, and does not contribute, in any way, shape or form, to a disciplined analysis of what has occurred here within the bounds of the CCCs statutory remit.

#### Paragraphs 618-620

62. We note, for completeness, the following background context against which the matters referred to in these paragraphs should be read:
- i. The DoE was not happy with the person they had selected;
  - ii. This dissatisfaction was known, internally, well before the request of Ms Trad to “meet and greet” Principal A;
  - iii. Rather than pausing the process internally, revisiting and working out what to do within appropriate procedures, they embarked on a plan to “test” how Principal A would go when meeting with Ms Trad;

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<sup>8</sup> Text of DDG 14 March 2019.



- iv. They were not impressed with how Principal A went in that meeting;
- v. This obviously confirmed (not created) their dissatisfaction given that the DDG stated that Principal A's unsuitability was confirmed in his mind as he was walking around West End with Principal A *before* the meeting with Ms Trad;
- vi. It was not a question of Ms Trad influencing the DDG, but rather it was a case of the DDG's plan to test Principal A, with an unknowing Ms Trad, further confirming his pre-existing held view that he had no confidence in moving forward with making an offer of appointment to Principal A.

63. We note that these text exchanges were not canvassed by the CCC with Ms Trad in examination. We note that the assertion in the text from the DDG to the Panel Chair that "*it will come*" was a flawed prediction: "*it*", (presumably Ms Trad communicating to the DDG something about the position being at Executive Principal), did not, in fact, come.

#### Paragraph 621

- 64. The final sentence of paragraph 621, in so far as it does not limit itself to texts from the DDG, is a proposition which is unfair, and not supported by precision or rigour. There is no text from Ms Trad that the CCC has identified, and certainly none was put to Ms Trad in examination, that would be an example of how information should not be transmitted.
- 65. If the meaning intended to be conveyed by the CCC is that – the DDG should have made it abundantly clear to Ms Trad, prior to the meeting, that he had no confidence in moving forward with making an offer of appointment to Principal A, rather than send an ambiguous text which was insufficient to put Ms Trad on notice that there was a problem – then we agree. We would agree that ambiguous and misleading texts should never be sent by a DDG to anyone, including Ms Trad.

#### Paragraph 622

- 66. On its face, paragraph 622 appears to be unexceptional. It is difficult in any context to deny the benefits of "*guidelines and protocols*" when proposed at a conceptual level without detail. However, it is also critical to understand that there is nothing wrong with



informal communication *per se*. Indeed, there is a significant risk in over formalising the proper functioning of government. The point here is not the informality of communication, but the unpredictable and unorthodox approach that the relevant public servants in this case took.

67. Care must be taken not to read paragraph 622 as one which invites speculation that the communications **in both directions**, that is not just from DoE to Ms Trad, but from Ms Trad [then a Minister] to DoE, were improper or problematic. As you are aware, that is not the case. Certainly, there was no suggestion put to Ms Trad whilst being examined that any of the communications she made to the DDG were such that would call for remedial protocols. Such a recommendation contains the implication that her communications to the DDG were problematic. That is an unfair imputation. Further, and once again, the problem here is not a lack of protocol or procedures. There were Departmental procedures about what should be done with respect to recruitment. They were not followed by the DoE. A general call for guidelines and protocols does not arise out of this specific case which is not about there being a lack of guidance or protocol: it is about some public servants deciding to depart from them. We emphasise, though, that this submission should not be taken as any kind of indication that Ms Trad is opposed, in a general way, to matters which would enhance the operation of government. The point being made is that although the CCC might regard the conduct of others as being a sufficient trigger for this observation, nothing that Ms Trad did can sensibly be regarded as being the trigger for same.

Paragraph 629

68. We repeat our comments in respect of paragraph 618-620 about the correct characterisation of what occurred. That context and characterisation is critically important to a reasoned understanding of what actually went on. Ms Trad did not, to her knowledge, influence decision-making. Nor did she seek to do so.
69. To the extent the DDG and Panel Chair took into account their impression of Ms Trad's views, this was unknown to Ms Trad and nothing she did was intended to have any influence on decision-making whatsoever.
70. Ms Trad is not responsible for the way in which the DDG approached the situation. To infer political interference is a serious matter. Here, the only basis for such speculation





is the plainly wrong conduct of the DDG, which, as the report accepts, was unknown to Ms Trad. As you would well appreciate, given the extent to which Ms Trad's conduct is the subject of media speculation and political commentary at present, the use of the words "*the Deputy Premier did, in fact, influence decision-making*" will most likely be converted, unfairly and with disregard for the truth, into a conclusion of wrong doing in the public debate. It is imperative that the CCC ensures that the report is crystal clear about what has and has not been found in this regard.

Paragraphs 635 & 638

71. We note that the evidence tends strongly to the conclusion that Ms Trad did not mention the potential applicant by name. In this regard, we observe:

- i. The Vice Chancellor's recollection is entirely consistent with Ms Trad not identifying the male person. If she had, one would expect the Vice Chancellor to recall the name, bearing in mind the Vice Chancellor was on the selection panel and the male person was one of the persons short-listed. Certainly, the Vice Chancellor has no recollection of a name, and he does not make a link between that telephone call and the short-listed candidates, of which, the male person was one; and
- ii. As we recall, in his statement, the Vice Chancellor identifies the short-listed candidates however, importantly, in naming the potential applicant as one of the short-listed candidates, he does not confirm that the potential applicant was the male person identified by Ms Trad in the telephone conversation. Presumably, had the name been mentioned, the Vice Chancellor might have made such a connection, particularly given the proximity in timing
- iii. We also note paragraph 423 of the report, which states that the Vice Chancellor had a conversation with the Panel Chair (something which Ms Trad was not aware of, did not instigate and would not approve of).
- iv. The Panel Chair states that the Vice-Chancellor gave her the impression that he was not aware of the name of the applicant. That too, is consistent with, Ms Trad not stating the name of the potential applicant to the Vice Chancellor. We also note, from the evidence set out in the report, that at the



time Ms Trad met with the potential applicant, the second recruitment and selection process hadn't commenced, that is, he was not, at that time, "an applicant".

72. We also refer to the submissions we have made in the "general submissions" in respect of this matter.

Paragraph 637

73. The likelihood is, that if the conversation occurred, Ms Trad did not mention the potential applicant. This, together with the evidence Ms Trad gave, as set out in paragraphs 415-416, is wholly consistent with Ms Trad not advocating for the potential advocate.

Paragraph 640

74. It ought to be observed that the conversation was benign. By the time Ms Trad came to be questioned, the CCC had been considering the matter for several months. With the greatest respect, if the CCC intended to, or were contemplating making, a finding that the conversation was inappropriate and that it should not have occurred, then these propositions should have been squarely put to Ms Trad so that she might have the opportunity to respond. It is a matter of great unfairness that the first time these propositions were advanced is in the report. With respect, as a matter of natural justice, that is too late. It is not a conclusion which can properly be drawn on the basis of the evidence the CCC obtained.
75. Further, if there was something that you considered Ms Trad should "know better" about, then, in fairness, that ought to have been put to her at the time, so that she could meaningfully respond.

Paragraphs 641-648

76. The case of Julie Grantham has no parallels in relation to Ms Trad's conduct. Clearly these observations are directed at the conduct of others, and thus we do not need to address them further.

Paragraph 681

77. We note that nothing that Ms Trad knowingly did created a corruption risk. She was not aware, at any relevant point in time, that DoE public servants were acting outside



acceptable process. Rather, any risks were entirely a consequence of actions by the DoE. Further, as you are aware, Ms Trad did not involve herself in DoE decision-making. To the contrary, DoE made her an unknowing participant in their departure from process: the DDG proceeded on a pretence. That pretence was unknown to Ms Trad.

78. The comment about corruption risk, clearly must be directed to the conduct of others, not to Ms Trad's conduct.

Paragraph 683

79. The draft report states that the “*decision to involve the Deputy Premier in the recruitment process was ill-advised.*” With respect, the decision to make Ms Trad an unwitting and unknowing participant in a recruitment process which she thought was finalised (in that she thought Principal A's appointment would become effective) was more than ill-advised. It has resulted in significant professional and personal hardship to Ms Trad, as stated in paragraph 1 herein. Ms Trad did not know at the time, and frankly did not know until reading the evidence set out in the draft report, that the DoE had involved her in this aberrant recruitment process. That she was being used in this way was withheld from her.

Paragraph 684

80. The Premier and the Minister for Education were not the only persons to whom false or misleading information was provided. As submitted above, it extends (as you have noted) to others, including Principal A and Ms Trad.

Paragraph 686

81. We confirm that Ms Trad had no knowledge that she was being made a de facto member of the selection panel and part of the selection process. The plan to do so resulted in an absolutely extraordinary state of affairs. It has had a grossly adverse impact on Ms Trad personally and professionally.

Paragraph 687

82. We observe that Ms Trad, also was not informed of the full state of affairs.



Paragraph 689

83. We reiterate that the evidence tends to it being most likely that Ms Trad did not state the name of the applicant to the Vice-Chancellor. We have dealt with the reasons for this submission above.
84. The sentence in paragraph 689, as it currently reads, refers to “*a potential applicant*”, which is apt to give the impression that the name of the applicant which Ms Trad spoke about to the Vice-Chancellor in very general terms was given to the Vice-Chancellor. We repeat our comments made above in respect of this issue. Clearly Ms Trad’s intention in speaking to the Vice-Chancellor was entirely benign. There was no attempt whatsoever to influence the Vice-Chancellor, and nor could it sensibly be said that a man of the Vice-Chancellor’s standing and stature was a person likely to succumb to any influence (thus making him an extremely unlikely target of an attempt to influence). The telephone call had no effect on the Vice-Chancellor, and certainly did not result in the applicant getting the job.
85. At most, the conversation was an issue only in light of the history of the conduct of the DDG and others that was unknown to Ms Trad. There is a real risk that a conversation that was benign – especially given that the name of the applicant was likely not mentioned and that the process had not yet begun – is elevated into speculation about corruption, which it plainly is not. The conversation resulted in no influence.
86. We further observe that while it is clear that Ms Trad readily accepts that she was not entitled to be part of the selection process, it is also abundantly clear that she did not seek to become part of the selection process, and was not knowingly part of the selection process. Nor did she do anything whatsoever to seek to influence a member of the selection panel or anyone who could influence the appointment process.

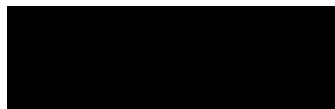
Paragraphs 693 & 694

87. We are, respectfully, in complete agreement with these comments. In fact, as you are aware, paragraph 693 marries precisely with the expectation of Ms Trad that if they had any concern, they should have “*paused*” the process.



Paragraph 702

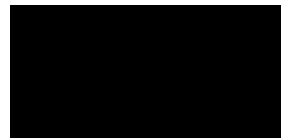
88. The statement in paragraph 702 is unfair for more reasons than one. The first is that if the CCC considered that this action should have been taken, this is something that ought to have been squarely put to Ms Trad while under examination so that she could answer it. It was not put by the very experienced Counsel Assisting or by the presiding officer.
89. The second reason is that it the text message was received very shortly prior to the meeting, in circumstances where Ms Trad was busy going from engagement to engagement. She was already running late to the meeting. It applies a counsel of perfection in hindsight. It is unfair to suggest that Ms Trad should have read the text from the DDG as indicating that Principal A was not going to be appointed or was not going to be told, rather than for what it actually said, which was simply that she had not yet been told. Ms Trad was entitled to rely upon a public servant of the DDG's seniority and standing to advise her in unambiguous terms that there was a prospect that Principal A's appointment might not proceed. She was certainly entitled to expect that if there was any prospect of that, the DDG would have cancelled the meeting. It is not for Ms Trad to divine that there was a problem from the text sent by the DDG while he was walking around West End. He could have, and should have, telephoned Ms Trad and told her what was actually occurring. Had that happened, Ms Trad would have put a stop to it immediately.



Dr K A Mellifont QC

Counsel for Ms Trad

Instructed by *McGinness and Associates Lawyers*



Mr S C Holt QC

1 July 2020

## South Brisbane Electorate Office

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**From:** [REDACTED]  
**Sent:** Wednesday, 7 August 2019 5:14 PM  
**To:** [REDACTED]; South Brisbane Electorate Office  
**Cc:** [REDACTED]  
**Subject:** ICSSSC principal announcement  
**Attachments:** ICSSSC Principal Announced - MR - APPROVED.DOCX

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Colleagues, the Department of Education is ready to announce the appointment of the principal for the new Inner City South State Secondary College (draft release attached). Would the DP be interested in a joint MR? Perhaps we can give it as an exclusive to Quest or the Brisbane Times? Department is keen to get it out pretty promptly so would appreciate your advice at your earliest opportunity.

Cheers



Queensland  
Government

[REDACTED]  
Senior Media Advisor  
Office of the Hon. Grace Grace MP  
Minister for Education  
Minister for Industrial Relations

1 William Street, Brisbane QLD 4000



**Linus Power** ✓

2 August 2017 · 🌐



Recently I met with the newly appointed foundation principal of [REDACTED] State School- [REDACTED] is a very experienced principal who is excited by the challenge of building a school from the ground up. I fought for [REDACTED] State School to be brought forward and the school will open in 2018.

  58

14 comments 26 shares









## Crime and Corruption Commission

QUEENSLAND

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