



Crime and Corruption Commission
QUEENSLAND

June 2016

Making allegations of corrupt conduct public

Is it in the public interest?

Submission form

Lodging a submission

Send your submission to us by **5pm Thursday 30 June 2016** by any of the following methods:

Online: <www.ccc.qld.gov.au/publicisingallegations/>

Post: Publicising allegations
Crime and Corruption Commission
Policy and Research
GPO Box 3123 Brisbane Qld 4001

Email: publicisingallegations@ccc.qld.gov.au

Fax: 07 3360 6333

We may not consider late submissions.

Do you wish to maintain partial or complete confidentiality?

We will generally publish submissions on our website — including the name of the submitter but no contact details. If you would prefer to maintain partial or complete confidentiality, please indicate your preference by selecting one of the following:

- NAME WITHHELD — PARTIAL CONFIDENTIALITY**
I consent to my submission being published on the CCC website, without my name being disclosed.
- CONFIDENTIAL — COMPLETE CONFIDENTIALITY**
I do not consent to my submission being published on the CCC website.

If there is no clear selection of one of these alternatives, we will regard any submission (including an anonymous submission) as a public document, and will publish it on our website.

The CCC may quote from your submission or refer to it, either generally or individually, in publications.

Privacy statement

No submission marked as confidential will be published on our website. However, any submission may be subject to disclosure under the *Right to Information Act 2009* and the *Information Privacy Act 2009*, and applications to access submissions will be determined in accordance with those Acts.

If you provide your details, we may contact you to ask whether you consent to further consultation for the purposes of this project.

Your details

Provide as much or as little information as you wish.

Name(s):	<input type="text"/>		
Organisation:	<input type="text"/>		
Address:	<input type="text"/>		
Phone:	<input type="text"/>	Mobile:	<input type="text"/>
		Fax:	<input type="text"/>
Email:	<input type="text"/>		

Your submission

You may wish to address the following considerations in your submission.

Open, transparent and accountable government

According to the Australian Public service act 1999 the Australian Public Service values are that the APS is apolitical, performing its functions in an impartial and professional manner; the APS has the highest ethical standards; the APS is openly accountable for its actions, within the framework of Ministerial responsibility to the Government, the Parliament and the Australian public; the APS delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public. That would mean that the public service personal should be accountable to the public and therefore the public has a right to learn about even allegations of misconduct. This is especially in the light of the rather longwinded processes of misconduct investigation. In regard to donations the CCC has admitted that they could not investigate alleged misconduct of not declared donation in 2012 until after the next election in 2016. This means that it takes over four years for the truth to come out if it were not reported publically. My argument is that it needs to be reported so that we, the people, can then keep an eye on the behaviour of this person. That is especially important if an election is coming up. If the person has been transparent as the Australian public service act has demanded, then issues should not arise of such nature. Once you take up a position as a public figure you will have opposition and the public is aware of this and will not judge until some proof is at hand. Taking away the obligation of people to report the wrong doings in a public forum will take away the democrtatic right of people to speak out and go even further and report it to the CCC at the same time. Without that right and the duty of people to report we have no accountability any more, as nobody is there to check. This duty to report should never be taken away from people, as it leaves the system open to corruption until the CCC has found somethings.

Freedom of speech

The misconduct cases are mostly against influential people in the community (councilor, mayor), who have all the oppourtunities to speak out against people apparently making allegation. We have seen it all too often that they are using the media to their advantage. So they are allowed to make these claims, but if we, as the constitutate, have a complaint, we can not air it and at the same time complain officially about it. We have seen in recent years Australian public servants taken people to court for apparent defamation to ridicule them and making it public in all papers. So why is this freedom of speech being allowed here, but on the other hand it is being considered to be taken away from the non-public servants.

Reputation of alleged subject officers

I have worked in the public service for years and if you do things by the book there is no fear of being falsely accused. The department will stand behind you if you have done things transparently. We all have read the code of conduct and know exactly what we need to do. In the government service you have to read the code of conduct not only at your induction but over the years. So any excuse of not knowing is not there. Allegations are only taken seriously if you have prove, especially if you want to publish them in a news paper. Newspapers nowadays have to really research their stuff if they talk out against public officials, as they get sued otherwise. So the reputation of an innocent person would not be in danger. One might argue that it could be taken to facebook. But most people do not have that many friends to even worry about it. They probably heard about it long before it went to the CCC. We also have to consider that the CCC only investigates some of the allegations and their power seems very limited. A bit like the council investigation, that then tells the council that some breaches have been noticed and please to address this in further dealings. That is not satisfactory for the general public, as incorrect dealings have been done. So can we please be informed every way of this process, so that we can judge for ourself if we want this person in public office. It seems to be that our ethical standards do not necessarily agree with the decision of the CCC. It might not be criminal, but it can still be very unethical.

Fair trial

The CCC is supposed to be impartial, that means they can not know either the defendend or the complainant. So it should make no difference what is said in the paper. It is the same as with any lawcase, the judge does not get influenced by what is in the papers. Therefore, the investigation should still be fair. We have seen this with other investigations, like the one into alleged child abuse by the church. This was all over the papers, but that did not influenced the investigation.

Effectiveness of the CCC

The CCC can under certain instance decide not to take any action in relation to a complaint. They will only investigate misconduct that amounts to a criminal offence. Misconduct normally falls into two categories : the criminal offence or the disciplinary breach. That means the CCC only investigates part of the misconduct. The fact that they can decide not to investigate some makes it even more necessary that complaints are dealt with in a public forum. It takes month to hear back that your complaint is not investigated. Then you have no where to go any more as it has passed and there was time to wipe it all under the table. If it comes out in the open while it is going on, then we, the people, can make up our own mind about the conduct. The time frame is even worth if it actually gets investigated. By the time we have a decision, elections have come and gone and the public has not been made aware of things. The person complaining might be bullied if nobody knows about it,

as has happened so often. So the right not to tell anybody should not be taken away from people feeling that if they do not let anybody know, that they are in danger of getting bullied, be that because the wrong doing is still continuing or they are being bullied into silence and non corporation with the CCC.

Other

Transparency and the trust of the people, which has been seriously damaged, can only be obtained if the process is open and encourages people to come out and voice their complaints. There are so many people that have lost faith in the system that is supposed to encourage whistle blowers. The person complaining is most often referred to the council, which they were complaining about in the first place or which is working with the one they are complaining about. The complainant is most likely now encouraged not to complain or to withdraw his complaint. So how is this system in any way encouraging openness. I have spoken to so many people that say yes there is corruption, but there is nothing we can do. So we have to ask ourselves is this system really working. Is the CCC doing its job if the perception of hopelessness about complaining is in the population. It needs an independent system that has nothing to do with the government departments we are complaining about. It needs to have more power to investigate first of all all cases of corruption, have the power to fire people and charge people if they do the wrong thing. A slap on the fingers does not stop the lucrative corruption that is ripe in this state.



Crime and Corruption Commission

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