



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

There does need to be more efforts made to increase transparency of government agencies and representatives, particularly where there are obvious conflict of interests (eg close professional or friendships with developers). It should be made illegal for such people to accept any gift, or benefit of any form (including presents, dinners, wine, flights, holidays, even coffee, beneficiary of decisions). The requirement to declare such gifts or benefits is currently flawed and therefore leads to corruption claims. Perhaps prevention of corruption allegations is better than cure?

Open and transparent government becomes a question of trust and is something that is difficult to legislate, presumably this is the point of a democratic system.

It is not in the public interest for CCC to publicise allegations in this regard, and feel it is necessary for CCC to maintain integrity by neither confirming or denying allegations. But there needs to be a way to keep the CCC accountable and free from cover-ups and conspiracy theories by making all evidence available at some point to justify any decision made in favour or against the allegation.

The prevention of false claims would be a necessary strategy for the above to be effective, and thereby provide tougher or stronger penalty or dis-incentives for false allegations, rather than penalty for revealing subjects of CCC investigations. In light of this, perhaps a preliminary enquiry to help the person/people raising a concern of corruption to understand the validity of their claim, it is this preliminary enquiry that must remain confidential, but in the case that the claim is pursued beyond a preliminary enquiry this should be subject to public scrutiny.

Freedom of speech

don't support restriction to freedom of speech, but this is subject to already proven and suitable laws or torts, of slander. However it is abhorrent to think that a slander claim can be successful when the information subject of slander is truthful and accurate.

Education is better than legislation in this regard. Accusers, whistle blowers, going public should be made aware of the need to justify the accuracy of any information they make public or how to frame the information they want to use in order to engage in public debate. CCC could extend itself to investigate such things, balance the power, to avoid false claims.

Reputation of alleged subject officers

Prevent false allegations, provide confidential means to allow allegations to pass through a preliminary enquiry but any information after preliminary enquiry then publically available, ccc provide more support for slander claims in the case of a false allegation.

Fair trial

information must remain confidential until after trial.

Effectiveness of the CCC

correct any imbalance to ensure only valid claims are pursued, such that false claims carry higher risk to the allegator. But allegator to be given support to develop understanding of whether the claim is false or not.

Other

The recent example of QLD power suppliers being accused of over investing is a good example of where public debate is in the public interest. However, it is the way in which this allegation was brought into the public domain which is questionable. There must be a way in which CCC can enable and facilitate public debate around such issues, to avoid the need for whistle blowers to feel that they need to make a accusation or ill informed statements to the media.

Again I urge CCC to focus on prevention measures, rather than attempting to address imbalance through legislation. legislation wont help the situation, with the rise of social media and wiki-leak type site.



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