



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" value="Moreton Bay Regional Council"/>		
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

Freedom of speech

Reputation of alleged subject officers

Fair trial

Effectiveness of the CCC

Other

The Council refers to your letter dated 1 June 2016 and the invitation for public submissions on whether it is in the public interest to make allegations of corrupt conduct public.

The Council is strongly of the view that, on balance:

- It is not in the public interest to make allegations of corrupt conduct public; and

- Penalties should be imposed for the unauthorised publication of allegations of corrupt conduct.

The Council questions whether any real public interest is served in publicising mere allegations of corrupt conduct. The suggestion that this contributes to transparency and informed public debate does not withstand scrutiny.

The fact of an allegation being made is almost invariably publicised by, or at the instigation of, the party making the allegation. The ability to do so without legal consequence invites mischievous or unsubstantiated allegations. Publicising allegations which are ultimately not pursued by the Commission cannot reasonably be said to contribute to transparency and informed public debate.

Balanced against this questionable public interest is the clear public interest in protecting the reputation of persons against whom allegations are made, but not substantiated, and a fair trial with respect to allegations that are ultimately pursued by the Commission. In the public forum the mere making of an allegation has the real potential to damage the reputation of the person against whom the allegation is made. This potential is exacerbated by the ability of any person to publicise the making of the complaint widely and quickly by means of, for example, social media. In this way the person making the allegation is completely empowered to “set the agenda” in the public forum well before the allegation is tested by the Commission.

In the political reality of local government publicising a mere allegation of corrupt conduct can adversely impact on the effective functioning of the organisation. A councillor or mayor, for example, who is forced to focus on and respond to a mere allegation is compromised in their standing with the community and fellow councillors. It follows that their ability to fulfil their first responsibility of representing the interests of residents is also compromised.

Where the Commission ultimately pursues an allegation the prospect of a fair trial, unaffected by wide publication of the initial allegation is compromised. These risks might also be seen to deter members of the public from entering the public sphere and inadvertently deprive the State of potentially valuable contributions from people who might otherwise seek public office.

Finally, there is a clear public interest in securing the Commission’s ability to investigate allegations of corrupt conduct without risk of the party complained of having early notice of the allegation, through publication, and the capacity to take action that might impede the Commission’s functions.

Given the Council’s contention that the public interest is best served by ensuring allegations of corrupt conduct are not publicised it follows that the public interest should be secured by legislative penalties for unauthorised publication of such allegations.



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