



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="Local Government Association of Queensland"/>		
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

The LGAQ agrees that public discussion and debate are important elements of open, transparent and accountable local government. However, no one benefits from such public discussion being allowed to extend (as it presently does) to malicious/politically motivated publication of unproven allegations of corrupt conduct against councillors and Council staff (see the LGAQ's comments below in relation to "Reputation of alleged subject officers").

Freedom of speech

The LGAQ agrees that people have the right to hold opinions without interference and that people are also free to express themselves through any medium, so long as that expression does not treat people unfairly or in a discriminatory manner. Whilst laws, such as defamation, privacy and anti-discrimination law, seek to strike a balance between preserving these freedoms and protecting people from harm, they do not extend to protect councillors and Council staff from the harm caused when a malicious or politically motivated complainant publishes an unproven allegation of corrupt conduct. Such behaviour requires regulation, as per the LGAQ's comments in relation to "Reputation of alleged subject officers" below.

Reputation of alleged subject officers

The LGAQ has had long-standing concerns about the publication of allegations of corrupt conduct and is interested in exploring options for restrictions regarding the public release of complaints. The reporting (and subsequent publication by complainants) of allegations of corrupt conduct against Council staff and, in particular, sitting councillors increases substantially in the 6 to 12 month period leading up to local government elections. In the vast majority of cases, the allegations have absolutely no substance or are not about corrupt conduct. Notwithstanding, the complainant "goes public" with his/her allegations, causing reputational damage for Councils and individual councillors, prior to the allegations being the subject of any preliminary investigation, let alone determined. For this reason, and all the other reasons identified and discussed at pages 98 to 113 of the report of the Hon Ian Callinan & Professor Nicholas Aroney entitled "Review of the Crime and Misconduct Act and related matters: report of the Independent Advisory Panel, Crown Law, Queensland Government, 28 March 2013", it is the LGAQ's submission that

amendments should be made to the Crime and Corruption Act to give effect to Recommendation 8 of that report, namely, to make it an offence for any person (including an officer of the CCC) to disclose that a complaint has been made to the CCC, the nature or substance or the subject of a complaint, or the fact of any investigation of the CCC.

Fair trial

If the LGAQ's submission above is implemented, a person's ability to obtain a fair trial will be enhanced, not limited.

Effectiveness of the CCC

The LGAQ agrees that the publicising of allegations of corrupt conduct may adversely affect the CCC's ability to perform its functions, as those functions are detailed in the June 2016 discussion paper.

Implementing Recommendation 8 of the report of the Hon Ian Callinan & Professor Nicholas Aroney entitled "Review of the Crime and Misconduct Act and related matters: report of the Independent Advisory Panel, Crown Law, Queensland Government, 28 March 2013", as detailed in the LGAQ's submission in relation to "Reputation of alleged subject officers" above, will enhance the CCC's ability to perform its functions with respect to the handling of complaints of corrupt conduct.

Other



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