

Kevin Lindeberg

CRIME AND CORRUPTION COMMISSION

A SUPPLEMENTARY PUBLIC SUBMISSION - 21 October 2016

Making allegations of corrupt conduct public - Is it in the public interest?

1. Firstly, the Crime and Corruption Commission ("CCC") is commended for holding a public forum on 6 and 7 October 2016 which permitted me, and others of similar mind, to present our reasons (without any non-publication orders issued by its Chair, Mr Alan MacSporran QC) why this proposal ought not to be entertained by either the CCC, Queensland's Parliament or its people.
2. Secondly, it is my expectation that my 7 October 2016 live-streamed oral presentation to the CCC Panel, namely Messrs MacSporran, Marshall Irwin (CCC Ordinary Commissioner), Richard Bingham (Queensland Integrity Commission) and Dr Rebecca Denning (CCC Director, Policy and Research), and our Q&A session will be open to permanent public access on the CCC's webpage in due course. This is important. It will allow interested parties either locally, nationally or internationally, to know and marry up our oral presentations with our written published submissions, even in their redacted state as the case may be. Secrecy has no place in this debate.
3. My original 30 June 2016 submission (No 37) was substantially redacted before publication. It is a matter of record that the redacting of certain passages [REDACTED] [REDACTED] It is now a matter of record that those redactions covered up my specific reasons why this proposal ought to be roundly rejected because of a certain serious assault by the CCC on fundamental democratic rights and duties of "public trust in public office" and then on "free speech and the right to know".
4. In this relevant context, through various sources and in keeping with the vital role of a free media in a democracy, [REDACTED] [REDACTED]
5. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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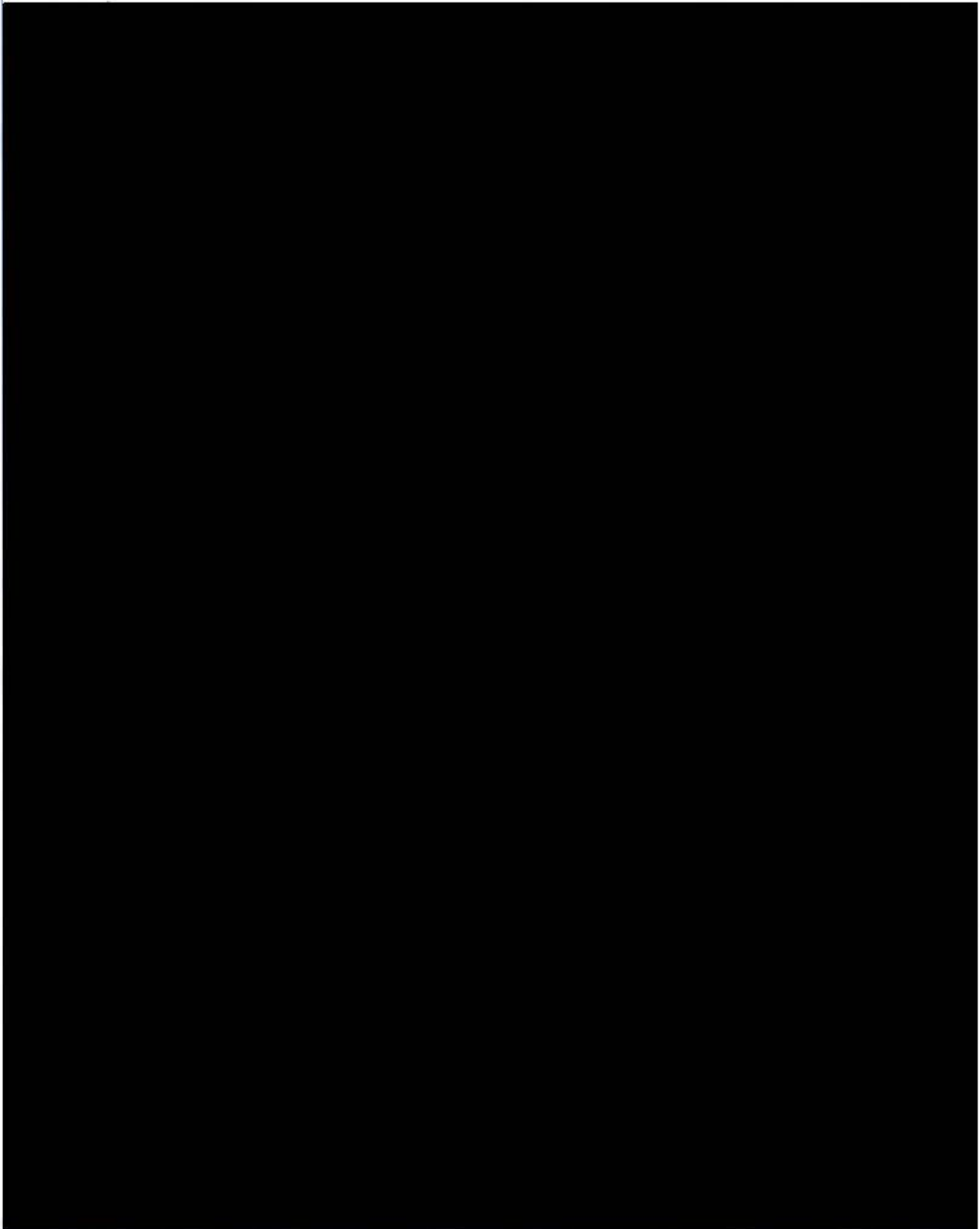
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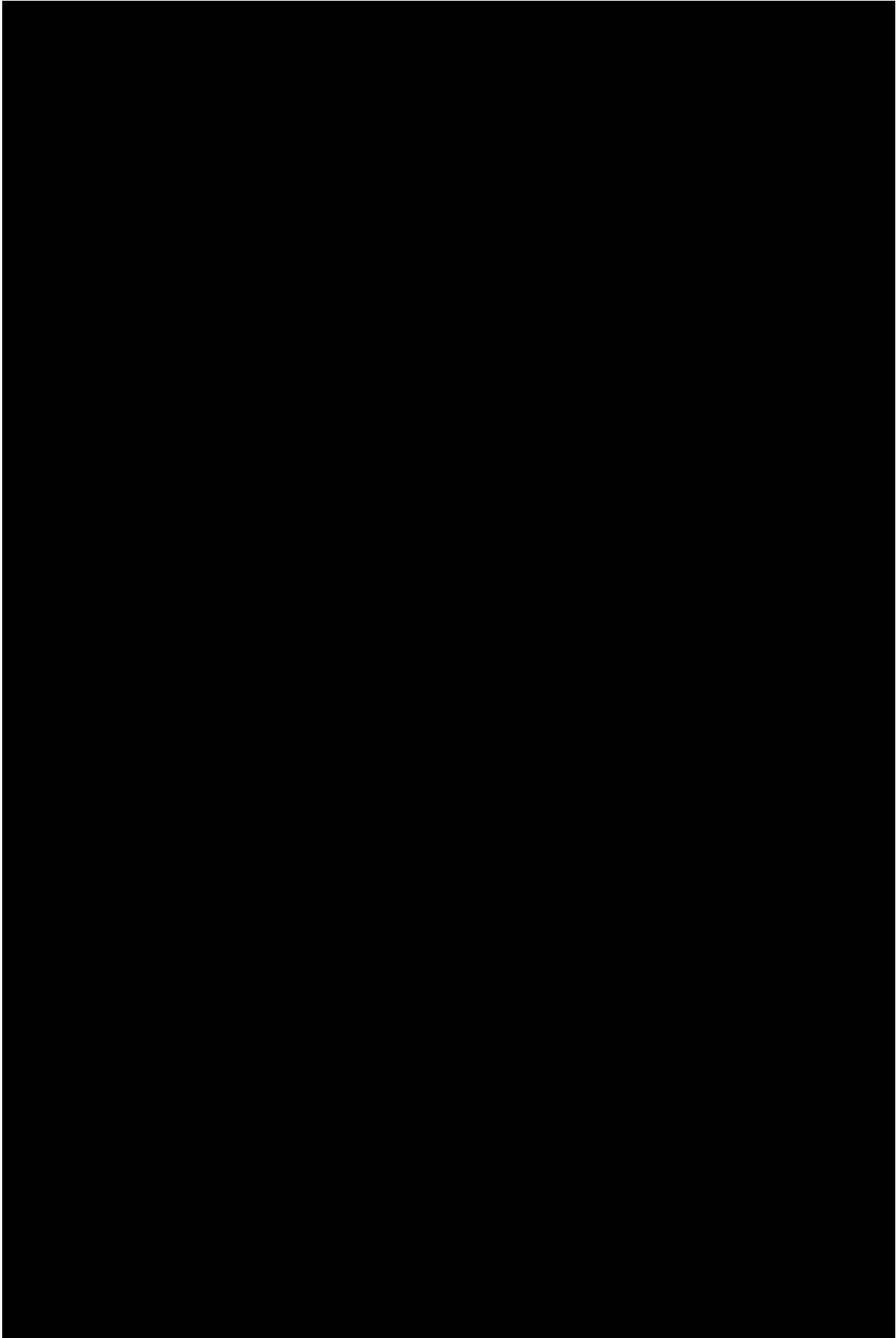


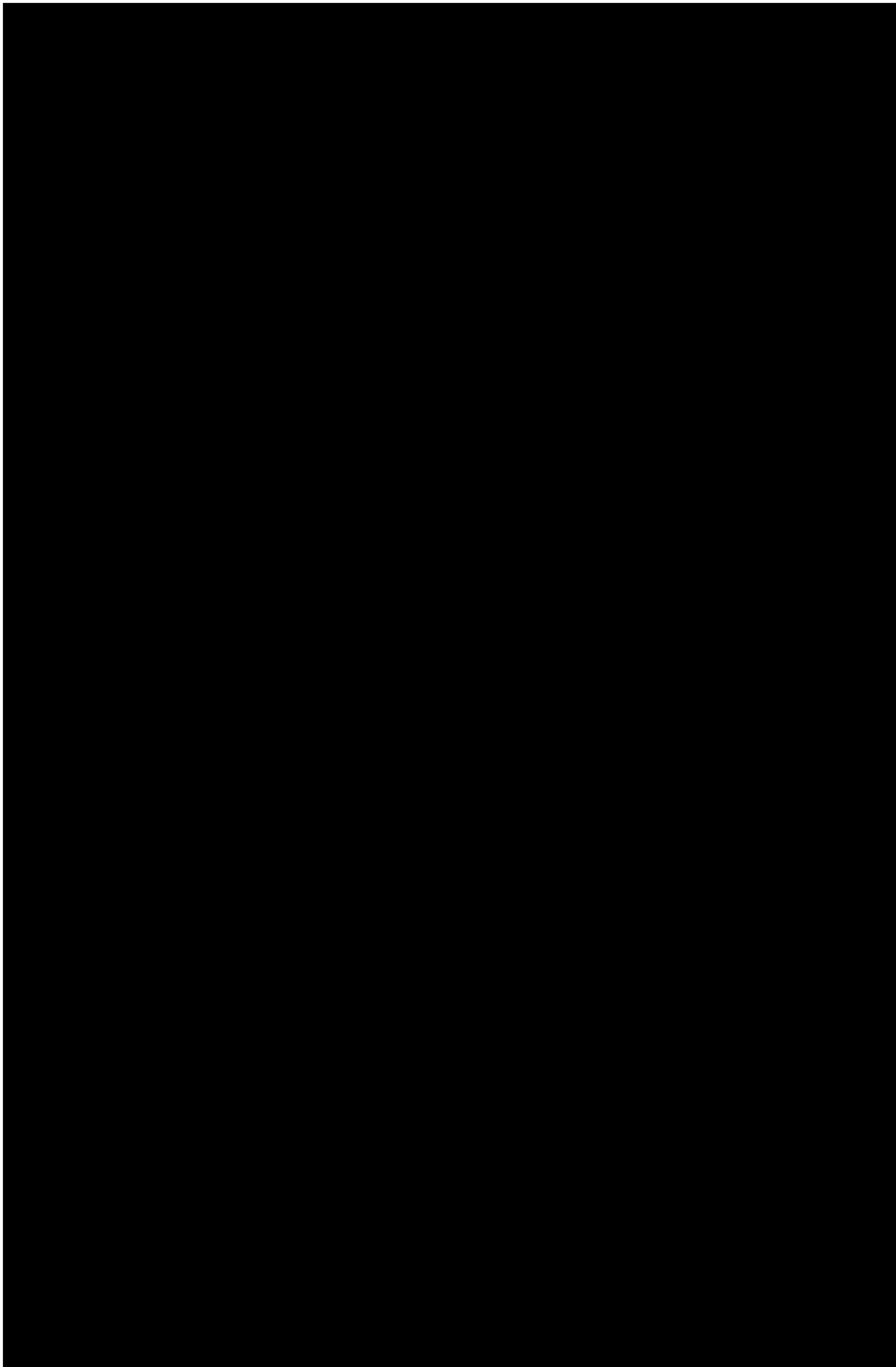
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[REDACTED]

[REDACTED]





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8. During the Q&A session I was asked the extraordinary question by the CCC Panel that if we (i.e. the CCC) could be trusted, would I agree that such a gagging provision should be adopted. I said no. I went on and said that if a time were to come when the CCC was required by law to deal with terrorism I might concede the point (in the interests of national security).
9. Against the background of my personal experience of untrustworthiness at the hands of the CJC/CMC/CCC (in its various shapes over a protracted period and found in "the allegations in the Heiner affair papers", in particular in the 9 Volume Rofe QC Audit of the Heiner affair) this proposal, if adopted, could usher in a police state with all its hideous consequences on a free society.
10. Lord Acton's famous warning that power tends to corrupts, absolute power corrupts absolutely ought never to be forgotten by anyone who cherishes freedom, individual rights and limited government by the rule of law in their lives. His warning ought to have greater poignancy in unicameral Queensland than in any other bicameral jurisdiction in the Commonwealth of Australia where it is often suggested that an elected dictatorship can too readily exist here, and where governments of either political complexion seem to hold office for protracted periods.
11. Obviously, in this type of polity, checks and balances on the use and abuse of power are vital for transparency and accountability of government and for the preservation of individual freedoms. It would be absolute folly to ignore the great lessons of history if one such vital check and balance, a free and fearless media, were to be stripped of its ability to expose corruption in government by government gagging whistleblowers with the threat of jail when no other avenue is open to let the people know about what is really going on in the corridors of power and to then, hopefully, even if it is through shame by exposing the breach of trust or fear of losing office (be it elected or appointed) bring about a lawful resolution of the mischief in spite of government's best efforts to tamper with the truth to delay justice being done and being seen to be done.
12. Finally, the overriding consideration in this consultation paper, and in this additional **public** submission, must be to ensure public trust and confidence in our system of government as it applies to public positions, not to the public office-holders themselves. That is, the position itself demands the enduring respect and protection while its temporary custodian, be they public servant, police officer, director-general, Authority Chairman, MP, Minister, judge or Governor **must always** conduct themselves in a manner which is lawful, ethical and fit and proper to justly and worthily exercise the power associated with the position they may hold so as to instil continuing public trust and confidence in decision outcomes. Without trust, everything collapses.
13. Our democracy demands high standards of those few, "the governors", and it must never be otherwise because history shows us that where we, as a polity, now stand in the 21st century has come about after great personal sacrifice by those many, "the governed" to eradicate abuse of power in public office.

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