



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

From the outset I want to make it clear that I support the status quo and reject any perceived need to seek to silence complainants. The status quo being that a whistleblower or complainant may, at their own discretion, publish and disclose the fact that a complaint has been made to the CCC (or any other relevant authority). As parents and teachers we teach and encourage our children to be open, honest and tell the truth and I ask if this is not in essence what we strive for as a society? Yet the CCC seeks to silence and control us all.

I believe the current rules are adequate and support open, transparent and accountable government. To prohibit the publication of complaints is to stifle democracy and transparency. In turn, it promotes bad behaviour and criminal and corrupt behaviours by individuals and political organisations who are able to hide behind and utilise this secrecy to their advantage. It is commonly understood that the lack of a prosecution or charges is not a guarantee of innocence.

In my view, the CCC itself has failed to demonstrate open, transparent and accountable government during this discussion paper, submissions & non-public public forum. The transcript and livestream must be made publically available again for viewing.

I attended the public forum on 6th & 7th October 2016. I was alarmed that the proposal to restrict or criminalise the publication of complaints to the CCC was even being seriously considered. This is deeply motivated by parties that will directly benefit from this change and the additional secrecy it provides. This is already evidently demonstrated by the undue focus on the CCC committee on the potential damage to the reputation of alleged perpetrators. It is not the role of the CCC to protect reputations of alleged perpetrators, it is the role of the CCC to protect the reputation of the office and institution. If public administrators and politicians behaved appropriately and lawfully and the laws were adequately enforced from the outset the public would not be making complaints and not seeking to publish them which is often a last resort.

Freedom of speech

Complainants have a right to complain and a right to publish the fact in any way they choose including social media because this is the only place they can choose their own words and material. Alleged perpetrators have the right to their freedom of speech to

rebut the claim. When it comes to public administration there must be no secrecy. Certainly in relation to drugs and terrorism the argument can be made to be secretive and complainants would normally be secretive and demand confidentiality. There are sufficient laws in place to deal with those who abuse their freedom of speech via defamation etc. Once again I impress that if the relevant authorities acted reasonably and focused on early intervention and enforcement these matters would not escalate to corruption in the first place. Whistle blowers are also afforded the right to freedom of speech and to choose if, when and how to publish/disclose that a complaint has been made. In many circumstances, a whistle blower goes public so that others have their backs. For example if a complaint is sent to the CCC about Local Government the complaint is sent straight back to the organisation which the complaint is about, ie the perpetrator. To be clear, local govt complaints are sent straight back to the council CEO for preliminary assessment which identifies the complainant from the outset even if the complaint is marked confidential (fact). From the outset, this does not afford a whistleblower any protection at all. A word of caution - there is no bullying jurisdiction in local govt so complainants / whistle blowers, even when making a Public Interest Disclosure, have no protection from retribution and reprisal. The only insurance a whistleblower has is to go public so that any subsequent retribution or victimisation will be more obvious to all. This minimises the risk to members of the public and others who wish to do the right thing and make complaints of crime and corruption public.

I believe the CCC is confusing the issue unnecessarily by a preoccupation with election campaigns. Election campaigns are dirty. Fact. By publicising the fact that a complaint has been made to the CCC this is actually a clean tactic because then the matter is in the hands of a relevant authority who can also clarify the status that a preliminary assessment must first be made.

Seeking to restrict freedom of speech about the making of a complaint only serves criminals and specifically white collar crime.

The CCC has absolutely no right to seek to silence complainants, whistleblowers and victims. There are other recognised ways to manage potential reputational damage however that is not the role of the CCC.

The CCC since it's inception has been a bigger embarrassment and disappointment than the former CJC & CMC. I believe the CCC has been deliberately structured to allow white collar crime to flourish and perpetrators to hide in the shadows because they are not captured in the VLAD and child sex offences focus. White collar crime has flourished and expanded to an unprecedented level not seen before. I believe QLD is worse now than pre-fitzgerald. To silence complainants only serves criminals and does not serve the public interest. To silence complainants is completely against the public interest.

Secrecy does not support honesty, truth & justice.

Secrecy supports the perpetrators of white collar and political crime and gives them the ability to function without scrutiny and should they be scrutinised as we already know gives them the ability to destroy the evidence.

Reputation of alleged subject officers

The role of the CCC is to protect the reputation of the office not the officer. Subject officers and their management have the right to make a statement clarifying the situation if they so wish. eg that a complaint has been made and must be assessed. The QPS Ethical standards presenter, Clem O'Regan gave an extremely valuable perspective on how his organisation manages these things when they are made public. Social media and freedom of speech is our right. Alleged subject officers are innocent until proven guilty however the lack of charges and finding of guilt is not a finding of innocence. 'Insufficient evidence' or 'not in the public interest to pursue' does not guarantee innocence. It means that there is apparently not enough material to proceed to the next stage or in my opinion, there is not enough appetite to pursue criminals because they are in public office. An officer that has had a complaint against them needs to be supported to endure the processes that must be applied. Equally, complainants must be valued and supported rather than being treated like a criminal or a nuisance.

The 2016 suggestion by LGAQ that they will establish a somehow 'independent' monitoring role in future elections is a clear demonstration of their unsuitability for such a role. They have no statutory power and no basis for their 'opinion' of innocence of 'mates'. For example,

[REDACTED]

They are romanced by their mateship between office holders within LGAQ and it's associated commercial and policy arms. They are NOT in a position to comment on individual matters and must not comment on individual matters. Their only comment should be generic and in support of clean campaigns without making any comment whatsoever on the 'mud' that is being pushed by either side. The LGAQ has also postured to assist with the assessment and investigation of allegations which is definitely not in the public interest, even if they had a statutory head of power. The DILGP has delegated and funded the LGAQ as the training provider for local govt councillors & officers and this is a large part of where the problems start. If the CCC persists in a cosy relationship with the LGAQ in it's current form then the CCC is doomed to failure and deserves public criticism both privately and publically through all forms of media. The LGAQ is a self appointed peak body for mayors, CEO's and councillors

[REDACTED].

Fair trial

Publicising that a complaint has been made does not effect a fair trial. Just as the police publish that they have taken someone to a police station for questioning, or that someone is assisting with their investigation does not effect a fair trial. A blackout should reasonably apply from the point charges are laid. The communication at that time should come from the CCC directly in a media release/statement.

Effectiveness of the CCC

In my experience, when it comes to assessing white collar crime, the CCC is an embarrassment and failure to the people and institutions it is supposed to protect. The CCC since its inception has been a bigger embarrassment and disappointment than the former CJC & CMC. I believe the CCC has been deliberately structured to allow white collar crime to flourish and perpetrators to hide in the shadows because they are not captured in the VLAD focus etc. White collar crime has flourished and expanded to an unprecedented level not seen before. I believe QLD is worse now than pre-Fitzgerald. In my experience the CCC has no interest in white collar crime especially in local government and the relative associations. State government is no better and in actual fact, based on my experiences, is complicit.

Other

I have files of multiple suicides, suicide intervention and potential suicide and all the victims are suffering at the hands of local government. The state inaction on local government including the CMC/CCC & DILGP leaves no doubt in my mind that there are cover-ups and protection mechanisms that protect perpetrators at the expense of natural justice. This aids white collar criminals who are firmly entrenched in all levels of government. These are not frivolous comments. These are comments based on fact, recordings and evidence that the CCC, CMC, DILGP, local and state government both past & present have deliberately ignored and in some cases made go away. And I mean ultimately go away when the complainant/victim is no longer alive. The alleged perpetrator however has a great life and is regularly rehomed just like the Catholic Church did to offending priests and religious in decades past. When a complaint contains audio files, emails from guilty parties including an admission of guilt to corrupt conduct and the CCC does not even bother to contact the complainant and witnesses that is an embarrassment and mockery to truth and justice and can only be perceived as a deliberate and complicit cover-up. Yet here we have the CCC trying to silence the children again. [REDACTED] should be wearing different robes and sporting the titles of Bishop and Arch Bishop. When you seek to silence the people you are seeking to silence the children, the parents, the parishioners. You are in denial and seeking to hide the truth.



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Crime and Corruption Commission
GPO Box 3123, Brisbane QLD 4001

Level 2, North Tower Green Square
515 St Pauls Terrace,
Fortitude Valley QLD 4006

Phone: 07 3360 6060
(toll-free outside Brisbane: 1800 061 611)

Fax: 07 3360 6333

www.ccc.qld.gov.au