



**Crime and Corruption Commission**  
**QUEENSLAND**

June

# **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/](http://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](mailto: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

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You may wish to address the following considerations in your submission.

### **Open, transparent and accountable government**

The five Essential principles of local government as outlined in the CCC Councillor Conduct Guide July 2013 quotes Section 4 (2) of the Local Government Act 2009 (ACT) are not being practiced in the full spirit of the the Act by all councils. The role of unelected CEO's in relation to their powers in handling complaints needs to change to improve transparency in the management of business and operational activities of councils. Currently all complaints must go through the CEO's even if the complaint relates to them. Transparent and open government will only be achieved when elected and non-elected officials can no longer influence complainants in relation to becoming whistle blowers. The practices employed by Mayors and CEO's which need to be addressed to ensure greater transparency include but are not limited to, intentional gagging of genuine complaints regarding bullying tactics, threats of demotion, dismissal and loss of entitlements, monetary inducements, ex-gratia payments and the like under confidentiality agreements. These tactics are undertaken to protect highly paid positions and to ensure their influence and ambitions are realised. A greater number of genuine complaints would be reported by staff if they were treated with respect instead of intimidation. Threats to councillors of code of conduct violations under dubious anonymous complaints to CEO's from opportunistic supporters or planned acts to discredit councillors to ensure the real reasons for the actions of their superiors are never revealed do occur. Officials in high positions eg Mayors and CEO's can only use these intimidating tactics successfully when a Mayor and one or more elected councillors and one or more unelected officials eg CEO's, have been complicit in implementing the tactics outlined above. There are councillors who operate inside the inner circle of Mayors and CEO's who are complicit by association and who just accept their word as to why staff are removed as a matter of natural attrition which in many cases it is not. It is staff purging and the cost to ratepayers for out of court settlements and legal costs are hidden in council published accounts and never disclosed. Councillors outside the inner circle who ask questions of some Mayors and CEO's to get to the truth are told they will not get the information. Complainants who have been wronged and who pursue justice can only defend themselves through the law courts. To achieve transparency and accountability the CCC needs to work with Government to change how staff and councillors are able to be protected from manipulative and complicit behaviour by those who have the experience to use the Local Government Act 2009 in order to shelter themselves from legal redress. Meaningful community engagement should be fully practiced by all councils and laws introduced to identify anonymous malicious complaints and stop the practice of using threats, monetary enticements, confidentiality agreements and the like by CEO's and Mayors to gag potential complaints.

## Freedom of speech

When transparency and accountability are not practiced by Mayors and CEO's then justice can only be obtained in a court of law which many cannot afford and should not be forced to pay for to defend themselves against malicious acts by superiors. However this is the only avenue open to those unjustly wronged by elected and non-elected officials who are paid handsomely from the public purse and are currently able to use the Local Government Act to shield their actions. Those unjustly accused and the public at large should have the freedom to speak out on questionable actions and decisions regarding major issues that affect all and to criticise those in power who use the Local Government Act 2009 in part to manipulate and stifle debate and freedom of information.

## Reputation of alleged subject officers

Staff and officers of councils who have allegations of misconduct, fraud and other crimes brought against them are required to fight for justice to clear their names and to have the unfounded actions brought against them by CEO's and Mayors dismissed. Many actions and allegations appear to be manufactured for no other reason than to purge long time existing employees in an effort to promote and elevate other candidates who will fit into how they want council to operate by enforcing undemocratic rules on staff and councillors. The lives of many decent people have been negatively impacted to the extent that some never recover from the unwarranted allegations. Senior management including the Mayors and CEO's who have overarching powers over staff and councillors should be liable to a much greater extent under the law for their actions particularly when their decisions are found to be unlawful, unfounded and/or have been orchestrated to meet theirs and/or other elected or unelected officials' uncompromising visions for a council. The CCC should stop the tarnishing of the reputations of innocent people by acting on behalf of the accused officials or employees instead of protecting only the state institutions that manage Local Government and cease giving credence to information and opinions provided by the LGAQ who are there only to protect Mayors, CEOs' and councillors.

## Fair trial

A Fair trial in relation to Local Government and complaints regarding council staff and councillors recommended to the CCC can only be considered fair if complaints are not being referred back to CEO's particularly when the complaint is made about council staff, a councillor, a Mayor and/or the CEO. Under the current rules a person is not guaranteed a fair hearing in any CCC forum if the initial referral to the CCC comes from the CEO and/or the Mayor as in many cases a conflict of interest has occurred or has the potential to exist between these two parties. Only when the issues relating to complaints in local government are referred to a truly independent body which should not include the LGAQ who are the mouth piece of local government and have a vested interest in protecting councils and their practices, or any government body or persons who has been employed

or held office in any public institution, will true democracy exist and an impartial hearing be available to the parties unjustly accused of wrongdoing. Only when a complaint is handled by a truly independent body can a Fair Trial be established.

## **Effectiveness of the CCC**

Looking from the outside I am of the opinion that the CCC is an inappropriate and ineffective body to have jurisdiction over Local Government complaints particularly when they are referred to them by CEO's. It is likely that it could be construed that the CCC and the state government may be complicit by association in accepting the powers legally invested in Mayors and CEO's by the State Government which gives them far too much power under the Local Government Act and allows them control over complaints particularly when there is a conflict of interest by those two parties, and which gives them the power to manage a council particularly when they have the support of councillors who capitulate to them and vote down any motions to improve transparency and accountability raised by dissenting councillors who realise that the principles outlined in Section 2 (4) of the Local Government Act are not being followed as intended.

## **Other**





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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](http://www.ccc.qld.gov.au)