



**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/](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" value="Sunshine Coast Council"/>		
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

Council fundamentally supports open, transparent and accountable government at all levels. It is not considered that these pillars would be diminished by placing restrictions on the ability for a person(s) to make allegations of corrupt conduct public. Council, as with many other Government Agencies, works under a stable legislative and policy framework and, in particular for local government, have sufficient 'oversight' agencies to ensure that open, transparent and accountable government continues to exist.

### Freedom of speech

Freedom of speech must be balanced with social responsibility yet in the absence of that individual or collective responsibility Government must take a leading role in setting appropriate legislative standards. Our judicial system centres on the concept of 'innocent until proven guilty' yet in many circumstances the often biased and misinformed views (disguised as freedom of speech) can lead to unfair and unreasonable outcomes both for individuals and agencies alike. Allegations of corrupt conduct should be made and kept in confidence until such time as they are proven worthy of pursuing or where there are outcomes of public interest relevance. While an individual may be responsible for making a complaint known to others, there must also be an apportioning of responsibility on media outlets reporting such information. A review of the media releases conducted by the CCC for the 2016 calendar year suggests that there is a minimal number of complaints being made public although in the cases it has occurred they have been 'high profile' or 'political' cases in nature.

### Reputation of alleged subject officers

The reputational damage incurred by a 'subject' is somewhat immeasurable however it may have serious consequences.

The continued developments of technology also make it difficult for a person to shift perception created by allegations when material can be openly available and often copied and shared. Even where allegations are found to be unsubstantiated the effect of publishing that may be minimal in comparison to the 'debate' that has already taken place and the reputational damage already incurred.

As mentioned under the topic of 'freedom of speech' there are only a few cases in the 2016 calendar year of complaints being made public prior to the CCC fully assessing or investigating them. Of interest these related to [REDACTED]. Although the [REDACTED] matter remains outstanding the latter three cases were closed within minimal outcomes. It is therefore questionable what public interest may have been served by a person making the complaints public prior to being fully investigated.

## Fair trial

Council readily acknowledges that a fair trial is a fundamental legal principle which may be jeopardised by 'public debate' on a matter prior to any findings.

## Effectiveness of the CCC

Council recognises the functions of the CCC and acknowledges that these functions may be impacted by the practice of complainants making allegations public. Aside from the impacts that are incurred by individuals and more broadly agencies, publicising allegations jeopardises the CCC's ability to properly investigate matters. The 'advanced warning' provided by complainants risks evidence being destroyed, witnesses being coerced and/or fabrication of events.

## 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)