

Submission 60 – Mark Solomons

1. Public interest

It is overwhelmingly in the public interest that complaints of corrupt conduct are not shielded from the public. Corrupt conduct is a matter of prime public interest in any organised society, all the more so in a state with a very recent history of deep-rooted and widespread corruption among politicians and police. Equally it is a prime responsibility and purpose of the media to expose public sector corruption by bringing it to the attention of the public and, by extension, relevant authorities, which may include the CCC but equally could be any other relevant body. Reporting of the fact of complaints to, or investigations by, police or regulatory bodies such as ASIC, the ACCC or Fair Trading is not controversial and is considered normal business by those organisations. There is no justification for providing public officials, including politicians, with special exemptions in this regard.

2. Public accountability

The CCC is funded by taxpayers to investigate public sector corruption. It owes its existence to the peculiar history of Queensland during which conventional law enforcement was demonstrated not only to be inadequate for this task but was in fact in large part perpetrating the crimes. The public that funds the CCC has a right to know how effective or otherwise the body is in carrying out its allotted tasks. The success or failure of complaints and the way they are handled is a key measure of this. The CCC has a social licence to operate largely in secret. If complaints are kept secret then effectively a cloak is drawn even closer over the organisation and its social licence comes into question.

3. Freedom of speech and political communication

Journalists' reporting in Australia and in particular the sort of investigative reporting that exposes corruption is already significantly limited by the laws of contempt, the considerable risks of defamation complaints and the shrinking budgets of all media organisations, including those that are publicly funded. These activities and those of whistleblowers on which they partly rely have come under further attack by Federal legislation including that relating to privacy and the retention of metadata. Investigative journalism is a high-risk, low-profit activity that is poorly understood by lawmakers but is an ongoing expectation of the general public in a properly functioning democracy.

High Court rulings taken to give rise to an implied right of political communication are the only significant quasi-constitutional underpinning for investigative journalism in Australia. Making CCC complaints secret, or worse, criminalising the reporting of them, would be another nail in the coffin of investigative journalism in this country.

4. Effect in practice

Experience shows that witnesses have come forward and evidence emerged in many recent major public sector corruption cases in Queensland solely because of media coverage of CCC complaints, assessments and investigations.