



June2016

# **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 3123Brisbane 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

This submission addresses only the CCC's role in local government corruption issues. Most complaints about local government councillors and staff arise because of excessive and inexcusable use of the confidentiality provisions within the local Government Act. When the deliberations and decisions of a council are hidden from the public it is to be expected that the suspicion of corruption will arise. The ability of a member of the public to allege misconduct by councillors or staff is fundamental to the principles of good government. The current law is that all complaints against local government officers are dealt with initially by the CEO of that same council. Nothing could be less conducive to openness, transparency and accountability than this process..

### Freedom of speech

The freedoms that we enjoy are qualified in order to protect the innocent from scurrilous utterance of groundless accusations by speech or printed means. The balance between free speech and the protection of innocent parties is about right. The current balance has stood the test of time and much litigation, and no better balance has been devised. If the complainer wishes to publicise his or her complaint then that is fine if it is within the rules. It is a fact of life that the political battles are fought in the media rather than in the courts and that journalists/interviewers are the judge and jury. As most complaints of corruption are politically based to some degree there is every likelihood that the media will be involved in its own assessment, investigation and judgment. That is not entirely bad because investigative journalists often expose vital evidence that the official investigators miss or neglect. The proposals before the CCC [to prosecute whistleblowers who publicise their complaint] is abhorrent in the extreme.

### Reputation of alleged subject officers

The reputation of councillors and council staff is already well protected by various laws relating to libel, defamation, slander, vexatious complaints etc. Those who overstep the mark should pay the penalty. The concern is with unfounded complaints made and publicised only days before an election. Politically motivated elements of the media may run with such stories but most media are more circumspect and most of the public are not so gullible, and are aware of the bias in certain media.

## Fair trial

The Judges and the legal system have dealt with this since the beginning of time.

## Effectiveness of the CCC

The publication of complaints could well serve to shame the CCC into investigating complaints. There is a perception at present that the CCC does not seriously investigate complaints against councillors unless there is media or political pressure to do so. The statistics of disciplinary action against corrupt councillors speak for themselves.

## Other

1. In my opinion all complaints of all type [corruption or misconduct] against councillors and staff should be removed from the ambit of the CCC and given to special tribunals, properly resourced, which should be established for that purpose.
2. The CCC is currently reactive rather than proactive. If the CCC itself discovers evidence of corruption it can make its own decision as to whether the public interest is best served by disclosure or secrecy. Every council is subject to an annual audit of its accounts; there is no reason why it can not be also subjected to an annual corruption audit by the CCC.
3. I am aware of a number of complaints lodged with the CMC, CCC, DG of Local Government, where the response has been: " You give us the evidence and we will prosecute". As the public watchdogs are the only organisations that can demand the production of documents, compel witnesses to answer questions, and have legal, accounting and police resources [none of which powers and resources are available to the complainants] it is no wonder that these bodies are not held in high esteem. It is because these bodies have been given unique powers and resources that they are asked to investigate complaints where the hard evidence is not available to the public. Publicity to such complaints can only spur the CCC to look into SUSPECTED corruption.



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