

From: Diane Bruhn [REDACTED]
Sent: Wednesday, 19 October 2016 11:37 AM
To: Crime and Corruption Commission
Subject: Submission to the CCC

Making allegations of corrupt conduct public

Is it in the public interest?

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:

<input type="checkbox"/>	NAME WITHHELD — PARTIAL CONFIDENTIALITY I consent to my submission being published on the CCC website, without my name being disclosed.
<input type="checkbox"/>	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): Diane Bruhn

Organisation:

Address: [REDACTED]

Phone: Mobile: Fax:

Email: [REDACTED]

Your details

Provide as much or as little information as you wish.

Name(s): Diane Bruhn

Organisation:

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Quote - 'Every Good Idea Has to Have a context'

"All complaints to the CCC to be kept confidential"

This suggestion has merit in the context of preventing damaging information and allegations of wrong doing by elected officials being published and ever reaching the general public, unless the CCC investigates the matter and finds there has been a proven criminal action.

Anyone in power knows that damaging information, proven or unproven, about public figures, or their practices, undermines public trust and confidence, and can even leave the public with questions about the suitability of such people for public office, and of course affect their chances of re election. In a democracy, the censoring of sensitive material by Government and its agencies, can go a long way in preventing openness, transparency and accountability. Surely this is a admiral goal, for those who want the public to know only, what we what them to know. Scandal is such a disruption to the lives of Queensland elected officials, and could be stamped out, with the help of government legislation of the kind you are discussing! It is so unfair for public officials, to have to work at keeping the record straight, especially if what they have been doing could be considered 'dodgy' by the average punter. As Mayor Paul Pisasale so eloquently said in this newspaper article of 2009, its just "grubby politics", when this happens.

".. [REDACTED] has slammed the "grubby politics" [REDACTED] after they implicated the [REDACTED] in the lobbying scandal engulfing the [REDACTED] Government....

[REDACTED]

[REDACTED] said the attacks were cheap shots and called on parliament to scrap parliamentary privilege to "bring some truth back into politics".

"That's just grubby politics, it just goes to show their ignorance and why people are losing faith in politics," [REDACTED] said.

"It just shows [REDACTED] ignorance - the Act of Parliament that created Springfield was passed in parliament unanimously by both parties...."

<http://www.qt.com.au/news/springfield-allegation-slammed/289381/>

Yes, we need to bring back some truth to politics, because people are losing faith in politics!

It is an important concern, to those who have something to hide, to keep the public mystified. How much could it reduce your wealth, influence, public image and credibility, if well informed ordinary people, get their hands on evidence of public figure's alleged misconduct. Clearly they could go to the media who might then publish it, and cause all kinds of scandal. Public criticism may even be informed by disenfranchised public servants, who have first hand knowledge of wrong doing, and have been speaking out secretly. Think of the damage this kind of behaviour could cause! This is the worst of all possibilities, that damaging leaked information reaches the hands of critics of the Queensland Government and its elected officers. So legislation enforcing confidentiality, on anyone making a referral to the CCC is critical, in the fight to prevent the image and brand of any level of Government in Queensland being tarnished. The throwing of mud needs to stop, because dirty politicians are not a good look, for either side of politics. Why not stop the mud being thrown in the first place, surely criminalising the open sharing of allegations

and referrals to the CCC is the way to go. How could this not be in the best interest of everyone! More accountable government should be in words and not deeds!!

There have been some slip ups in the past, when even the CMC criticised the Local Government Industry Lobby Group, LGAQ in their 2006 report into the investigation of the 2004 Gold Coast Elections. What were they thinking publishing such as this, about the views of one of Government's most treasured partners.

From, Crime and Misconduct Commission, Inquiry into the 2004 Gold Coast Elections.

...In fact, the CMC considers it healthy for people to feel that they can come forward with complaints.

It seems that the real basis of the LGAQ's concern is not so much the making of a complaint, but the publicising of the fact that a complaint has been made.

Unfortunately, the CMC cannot prevent complainants from publicising their complaints, although it takes steps to discourage the practice during election periods. The fact that a complaint is not substantiated by investigation does not mean that it is necessarily vexatious or frivolous. The CMC assesses and investigates many complaints involving local government where the allegations made may not be substantiated as official misconduct. Experience shows that in most cases where the complaint is unsubstantiated the complainant genuinely believes, albeit mistakenly, that impropriety has occurred.

This belief may have been formed because the council concerned had not properly documented how and why decisions were made, it had inadequate policies and procedures, or flawed internal control systems or councillors, or its staff may have failed to properly manage a conflict of interest. Lack of transparency and poor administrative and ethical systems within a council make it harder for the council to easily refute allegations made, and increase the likelihood that complaints will be made, and that those complaints will need to be investigated.

Rather than attempting to create further sanctions against those who make complaints, it may be more productive for those involved in local government processes in Queensland to ensure that their own systems are transparent so as to reduce the perception of impropriety. Clearly, the LGAQ has an important role in providing assistance to councils in this regard. Of course, where there is evidence that a complainant has knowingly made a false complaint, the CMC will investigate the matter with a view to taking prosecution action..."

Knock out the right of the media and the local community to engage in public scrutiny and open debate of the more questionable actions of Local Government officials and you knock out any opposition to wrong doing in this sector of government in my opinion! Certainly could put Queensland on the road to totalitarian and more corrupt government. Is this really something which would be appropriately implemented, actioned and supported by the CCC?? How on earth have things got to here in Queensland, where has the belief in the need for public accountability gone?

Why wasn't [REDACTED] investigated after the findings of the CMC investigation into the Gold Coast Elections 2004 indicated unethical patterns of behaviour, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] As a resident and ratepayer I feel let down by the CCC, even raising the possibility of this legislation being implemented, especially in a time when Local Government has been expanding monopolistic arm length entities, subject to less transparency and different rules, which trade, by way of example in land sales and development and all manner of businesses, which appear aligned to the shared essential services they provide to the community. Local Government in Queensland can set differential rates as it sees fit, fine people, set laws and can dispossess people of their land. When and if this kind of power is abused, where does this leave ordinary people, the ratepayers and residents of this State who are not holding power?? Who speaks for us?? It seems like the perfect storm to me!

Quote from 2006 CMC inquiry "...Overall, the evidence given by some councillors at the inquiry, and their conduct outside the inquiry, has created an impression that they are entirely unwilling to accept responsibility for either their actions or their words. They have shown a worrying lack of insight into how their actions might be perceived by the general public and an even more worrying mindset that the only remedial action necessary in this matter is punitive action against those who have made complaints...."

Reference to Tweed Shire Public Inquiry by CMC Investigation Report 2006 - quote "...

- In local government, frequently the only opposition, in the sense of scrutinising aspects of governance, is the local community and the media...." "• In parliamentary governance, the actions and policies of the government are scrutinised by an identified opposition, and the legislative and executive roles are separated. In local government, the Charter [s. 8 of the Local Government Act 199...3 (NSW)] intends councillors to work together in the interests of the whole council, and there is no formal opposition. In local government the legislative and executive functions are not functionally separated.."

So ignoring the cautions from the above investigation report in 2006, is critical to maintaining the status quo in Queensland at the moment. In other states of Australia there seems to be recognition of how Local Government is at particular risk of corruption and they are not declaring local government autonomous and giving them additional powers, they seem in general, to be ramping up accountability and consequences. What makes Queensland different to other States?

New South Wales Watchdog identified big problems with Councils and corruption back in 2010.

"LOCAL councils are highly vulnerable to corruption yet do not use adequate risk controls such as audits, the corruption watchdog says.

The discretion of councils to approve multimillion-dollar development applications or land rezoning is "very dangerous" as decisions are frequently subject to political interference and are not documented properly, a report released by the Independent Commission Against Corruption says.

The most common council functions - inspecting businesses, issuing fines and receiving cash payments - provide more opportunity and temptation for fraud than other state agencies and government departments, it says.

However, the increased risk does not translate into proper controls, such as audits and record-keeping...."

Professor Daly said the commission did not have resources to thoroughly investigate allegations of corruption, such as the 2008 inquiry into Wollongong City Council sex-for-development scandal. That inquiry found [REDACTED] a former town planner, had sexual affairs with three developers, accepted money and benefits from them and approved their development applications

Read more: <http://www.smh.com.au/nsw/icac-finds-councils-at-high-risk-of-corruption-20100511-uuur.html#ixzz3j7UYOoPh> .

AND IN VICTORIA -

THE anti-corruption watchdog has been conducting a wideranging audit of Victorian councils to prevent ratepayers from being ripped off.

Inspectors have visited councils this month to review how councils are spending their money.

The Independent Broad-Based Anti-corruption Commission has been targeting practices that are susceptible to bribery, kickbacks and theft..

<http://www.heraldsun.com.au/news/victoria/anticorruption-watchdog-to-target-council-practices-vulnerable-to-bribery-kickbacks-theft/story-fni0fit3-1226955346684>



In Queensland, someone like myself can ask questions about why Local Government is anything but accountable, and be told, too bad, we can't interfere in their processes, as they are autonomous, vote for someone else at the next election, you have that power! How cynical and arrogant is this, and yet this is the status quo in Queensland, again in my opinion. Someone like myself can also gather strong evidence of misconduct around the Grantham Land Swap and be told its not worth investigating, there is no evidence of impropriety. However, someone like me and so many others in Queensland can also have a closer look at the issues and speak the truth, even when those in power want to deny, deny, deny! Criminalise people like me if you like, who dare to speak out, and go public with real concerns, but what kind of place will Queensland be if this becomes the norm to punish people who criticise wrongful actions by Government?

In a democracy censoring of sensitive material by Government authorities is clearly not consistent with democratic principles which promote openness, transparency and accountability.

Create a vacuum in accountability by all means, but be prepared for it to be filled by people who do care about such things. Below is not our situation in Queensland, but it is only care and passion by those who truly believe in justice which keeps it so!

"...Pro-democracy activists, meanwhile, are regularly subjected to intimidation, arrest on trumped-up charges, and physical attacks. Some are even killed, as human rights activist [Elliot Dhlwayo](#) was earlier this month. With all that they risk and all that they suffer to advocate for the rights of fellow Zimbabweans, can there be any doubt about how much pro-democracy activists really love their country?"

<https://freedomhouse.org/blog/drivel-dictators>