



**Crime and Corruption
Commission**

QUEENSLAND

CRIME AND CORRUPTION COMMISSION

MAKING ALLEGATIONS OF CORRUPT CONDUCTION PUBLIC: IS IT IN THE PUBLIC INTEREST?

TRANSCRIPT OF PUBLIC FORUM

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Panel members:

Mr Alan MacSporran QC
Mr Marshall Irwin
Mr Richard Bingham
Dr Rebecca Denning

CCC Chairperson and Panel Chair
CCC Ordinary Commissioner
Queensland Integrity Commissioner
CCC Director, Policy and Research

Speaker:

Mr Greg Hallam

CEO
**Local Government Association of
Queensland Limited**

Mr MacSporran QC Our next speaker is Mr HALLAM. Mr HALLAM, just for the record here, can you state your full name and the organisation you represent?

Mr Hallam Gregory John HALLAM, CEO of the Local Government Association of Queensland Limited.

Mr MacSporran QC Thank you. Thank you for coming. Would you like to make an opening statement about your position?

Mr Hallam Thank you, Mr Chair. In very short, precise terms, the Local Government Association of Queensland supports Recommendation 8 of the Callinan and Aroney Review of the Crime and Misconduct Act, which is that it should be an offence for any person, including an officer of the CCC, to disclose that a complaint has been made to the CCC, the nature or substance or the subject of a complaint or the fact of any investigation of the CCC. My view and the LGAQ view are very similar. That's the – we're governed by a body of 15 mayors from around the State.

My own experience now, I'm 24 years in this role and seven local government elections, has been that the civility in society and our public standards have dropped such that the "anything goes" mantra now applies to the political process. I'm obviously very aware that these matters go beyond the conduct of elections, but in essence the bulk of our matters are related to the elections or the run-up to an election. The consequences are enormous for individuals, some fatal. The damage to their ongoing health, that of their families, the institution of local government, and I would suggest the CCC, in the sense that all those people are brought in to all those parties, are brought into question when these matters arise.

For many, many years we subscribed to the "greater good" theory, that is, the greater good was that people weren't discouraged, that there was a bright light, but I return to my sort of opening thesis with essentially the community standards have changed, the way the media operates has changed, the advent of social media, and that there – in the broader view, the community is better served by there being an offence for a person to disclose that a complaint has been made. That's my submission.

Mr MacSporran QC Thank you. Now you, as you have said, have a long history with the Association and therefore with local

government politics and administration. Can you tell us what you have noticed, if anything, about a trend for the level of complaint activity surrounding election campaigns in the local government sector?

Mr Hallam

Thanks, Mr Chairman. Yes, there are many cycles, I guess, from election to election. But the long-term cycle would be that the view that there are – there is an absolute advantage to damage in the conduct of an election period, which is seven weeks, that's the statutory period, or the run-up thereto, say, a couple of months before, the view is that you gain politically, that you disadvantage your opponent by making accusations in that time period. The nature of the media has changed substantially in terms of, in a lot of cases the hollowing out of newsrooms, the decline of newspapers in some parts of the State, such that the only form of communication is now the internet and that people seem to have a view, rightly or wrongly, that anything is fair game in the social media context. All sorts of matters can be said.

So over twenty-five years, I've seen a real change. Newspapers have a – and radio stations and TV stations – have some filters that they apply, and they're good and, you know, it's important that they do that. Unfortunately, in the new media that doesn't occur. As I said, the damage – the long-term damage – and we do survey after survey, very expensive surveys, hundreds of thousands of dollars looking at community attitudes towards government. And there's no doubt now, having done that survey for 20 years, some iterations of it – sorry, non-iterations of it – you can see cause and effect. Where there's been muck-raking then – and of a major scale, then the confidence of the community in the sphere of government is diminished.

Mr MacSporran QC

And are you able to say whether there is routinely a spike in the number of complaints made in election cycles?

Mr Hallam

Yes, Mr Chairman, there is. I think the records show, and it wouldn't just be the CCC, it would be the Ombudsman, the Auditor-General, a number of our watchdogs and clearly the history shows in those six to twelve months, but particularly the immediate period of the election, those numbers jump significantly. We have over the now, I think, five elections stood side-by-side with yourself and your predecessors to warn the community against doing that very thing, that they should think very carefully about the nature of the

matters they raise and the timing of those matters. We have a four year cycle. It's just unfortunate that most of these matters arise in a very short portion of that four years.

Mr MacSporran QC

So that's one of the proposals we have debated here, that education is the answer, to educate the voting public in that situation to be more circumspect about making complaints which might be without substance. And as you've said, your association together with our agency has made a concerted effort jointly in the last at least four election cycles to send that message. Has that worked, in your view?

Mr Hallam

No, no, it has not.

Mr MacSporran QC

All right.

Mr Hallam

It's got worse this last – on the public record, the last election just six months ago was the worst in my time as the Council CEO in the last twenty-four years at the LGAQ, there's been nothing else like it, in terms of the level of complaint, of vitriol, and, as I've said, without getting personal, there are absolute consequences for that for individuals.

Mr MacSporran QC

Yes. Are you able to say from any evidence you have access to, how many of those complaints in fact are false?

Mr Hallam

Oh, I don't have anything other than a general sense, so I don't have those statistics. But clearly I could think of a couple of very high profile people that were in the most recent elections where the complaints were found to be of no consequence, frivolous and some – well, not frivolous but certainly without foundation.

Could I just add we are so concerned about what is a societal development, we have, again, on the public record to say that we will look to create an independent electoral monitor? It won't have any statutory underpinning but we've budgeted, I think its \$100,000 in its current budget, to go and do the research and work about what that would look like. So I think it highlights how significant and serious we think this is. As I said, it certainly damages individuals, their families, but it also damages the reputation of local government and I guess, by extension, the CCC itself.

Mr MacSporran QC

It's been said that it's of little consequence the fact that these allegations are made in election cycles because the voting public is educated now to recognise the falsity and not be bothered by it, not be swayed by it, not to be concerned about it and there's no loss of confidence in the process because they understand that's just what happens. And the example given or one of the examples given was a number of allegations made about a particular mayor who, in spite of all of those controversies, was returned with an increased majority. Now is that an answer to your conundrum?

Mr Hallam

I think it's the exception rather than the rule. I think it's an extraordinary individual and a unique set of circumstances in that particular council. The individuals communicated are without par. But I'm also aware of the high personal cost to that individual and his family. But that would not be the rule. There would be a number of mayors who lost office in March this year who I think could rightly claim that they were the victim of smears.

Mr MacSporran QC

Thank you. And do you draw that conclusion because, on the face of it, they seem to have the election going their way until certain allegations were made against them personally?

Mr Hallam

That would be correct, yes. And they were in some instance of a very personal nature.

Mr MacSporran QC

It's also been suggested to us, Mr HALLAM, that defamation laws, privacy laws and anti-discrimination laws are the remedy for people whose reputations are prejudiced in this way. Do you have a view about that from your experience?

Mr Hallam

My understanding on the law, I'm a non-legal person, is there's a view generally that politicians are fair game, that there's a bit more license when it comes to the political class. That personally I have read some of the High Court precedents and that would be my understanding of it. It's what our legal advisors tell us. That, you know, there are limits about what one can say. But there seems to be, you know, in that whole nature of, you know, the right of freedom of political speech, standards are lesser, I guess, than those that apply to others in the general community.

Mr Irwin

Do you have any direct experience or evidence in your position of efforts that members in local government –

elected officials in local government, or candidates for local government elections – have made to resolve these issues through commencing defamation proceedings?

Mr Hallam

Yes, I'm aware of a number of them. The LGAQ is the trustee for the major insurer in local government, a scheme called Local Government Mutual. The underwriting policy is such that it does cover defamation matters, so we are familiar in quite a great deal of detail. I think, in the life of that scheme, which is something around 20 years, it's certainly in the 20s, and I certainly have seen those attempts made and efforts made. I have equally seen councillors sued. As I have said, my clear understanding from the scheme's management, from our external legal advisors, and the decisions of appellate courts, is that, as I said, it's very difficult for those people to substantiate some damage to themselves.

Mr Irwin

From your experience where defamation proceedings have been instituted, can you say whether that has been effective in restoring or repairing the reputations of the people concerned?

Mr Hallam

It does one thing and that is stop the furtherance of any campaign against a person. I don't believe [that] in a 24-hour news cycle, it restores their reputation. I mean it's often certainly months, and mostly years, before those matters are resolved and the caravan's moved on, the damage is done. The damage is done not just to the individual but their families and I was reminded by the counsel from Rail making the point it's even more acute in rural, remote and Indigenous communities.

Mr Irwin

Do you receive any anecdotal evidence that people who have been the subject of this sort of reputational damage have decided not to pursue a defamation remedy either because it's too expensive or too complex or it will take too long? What sort of information do you get back about that?

Mr Hallam

Absolutely true. I think of a number of circumstances over many years but more particularly the last few terms where that's been the case, where people have had confidential discussions with me around those sorts of matters, I mean, and sadly about leaving office as well because of the cost, the personal cost, to them and their families.

And it advised that it was unfair – that if unfair use was made of the complaint referral process, the ICAC might depart from its usual practice of not publicly commenting on the receipt of a complaint.

But it goes on to say that the ICAC records show that in the lead-up to the 2004 New South Wales local government election, the ICAC issued a brochure urging local government candidates to act fairly during the election campaign and not to misuse the ICAC for political purposes. And in conclusion it does not appear from that Commission's records that there has been a need to repeat these exercises for subsequent State or local government elections.

Now, you have given your evidence, as we well know, that in a number of local government elections, in particular the Local Government Association and the CCC, under whatever name it's been called from time to time, have worked together to engage in public education campaigns to seek to achieve the result that apparently resulted from the interventions by the ICAC in New South Wales, and did it in a very public manner during the most recent local government elections.

Are you able to comment at all as to why the position seems to be as it is in Queensland as compared to the situation in New South Wales?

Mr Hallam I could probably write a book, Mr IRWIN. But the-

Mr Irwin Can you summarise?

Mr Hallam Very quickly, I will try to do that. The history of local government in the two jurisdictions is vastly different. Queensland granted what is known as a "general confidence" power to councils in 1896 on the basis that George Street could not govern all the significant details of the State from far away, 2600 kilometres, if we talk about the Gulf, 1600 kilometres west. So historically we have had an empowered local government sector. Historically, they have had greater powers. We have had the general disenfranchisement of the electorate and the voting population, different systems about who gets to vote. New South Wales - they have a property right and mayors elected at large. What our elected members are paid is vastly different; their remit is vastly different. We have also, in very clear terms, a far less politicised local government system than they do. Their systems are one

where most elections are fought between the parties. You may or may not be aware as a condition of taking the oath of office, elected members in Queensland must disclose their party political affiliations; seventy per cent are not members of any party. So I think on any number of accounts – history, legislation, remit, remuneration, lack of politicisation – it is a very different beast.

Mr Irwin

All right. Thank you for that.

Mr Bingham

Thanks, Mr HALLAM. I'm fascinated to hear some of the issues that arise around local government election and the picture that I've taken from what you've said is that this is largely a problem that occurs during the electoral cycle. That being the case, why wouldn't we be thinking about trying to solve it as part of the local government electoral regime, if you like, rather than a broader all-encompassing sort of prohibition which would flow from the Callinan and Aroney recommendation? I'm interested in particular in what I understood to be the proposal for an independent electoral monitor. I'm conscious of the public debate that there's been about political donations, particularly during electoral campaigns. So wouldn't we be better off to think about this as a local government electoral issue rather than as a broader issue affecting every complaint to the CCC?

Mr Hallam

There is some merit to that argument. There has not been a Chairman who has made a more clear statement of intent and strength than Mr MacSPORRAN when we have stood together. That's not to reflect poorly on his predecessors, simply he made a very clear statement. But people basically – as we did – went off and did their thing anyway. And I still believe that the fundamental point at which political advantage or disadvantage occurs is in the publication. I do not believe education – I don't believe that a range of other measures would help. You know, you've got to bear in mind for every – for the last election and for every one position in local government – there's 550, I think, from memory – there were five candidates essentially. It's a very big ask to control. What we seek to do with an electoral monitor, should it proceed, is simply call people. Call people on clear mistruths, false claims and the like. But because it isn't judicial in its nature, because it's not underpinned by statute, it will be limited. You know, it's an attempt to try to deal with what we saw but it falls short at a point because it doesn't have any legislative underpinning.

the point it's anything goes. And smarties are gaming the system, no doubt about it. No doubt they're seeking to damage, despite all the consequences, individuals. And, as I said, if you take the broader view, we're at the point now where reputations of institutions are damaged and that is fundamentally an issue for society when that happens. I mean we – we've – you know, I have followed the history of the CJC, the CMC, the CCC, and I've heard the greater good argument for a long time. Unfortunately society has changed. The technology, media, all those things have changed and as a consequence, we've got to look at new ways of protecting the broader public interest.

If we get to the point that – and I have heard this said over a cool drink in a western Queensland hotel very recently, “Why would I stand? Why would I stand?” An eminently good person, “Why would I put my hand up?” “Why would I put my family and friends through it?” That's a very sad state of affairs when we get to that point.

Mr Bingham

Well, you won't get any disagreement from me about that element of it and thanks very much for what you have said.

Mr MacSporran QC

Thanks very much, Mr HALLAM. Your views are very much appreciated, so thank you.

END OF SPEAKER