

Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane QLD 4000

Via email: egc@parliament.qld.gov.au

Re: Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019

The Office of the Independent Assessor welcomes the opportunity to make this submission to the Economics and Governance Committee (the Committee) on the *Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019*.

The Office of the Independent Assessor

The Office of the Independent Assessor (OIA) commenced on 3 December 2018 to deal with councillor conduct complaints, with the exception of Brisbane City Council.

As at 15 May 2019, the OIA has received 732 complaints in just over five months. Of these, 71 have been referred to CCC as possible corrupt conduct, and 18 have been referred to local government to be dealt with as inappropriate conduct. The OIA has 200 active investigations and a further 40 matters are either in the process of being referred to the Councillor Conduct Tribunal (CCT), are with the CCT, or have been decided by the CCT. The OIA has dismissed or indicated No Further Action (NFA) on 318 complaints and has conducted 53 reviews of decisions to dismiss or NFA, resulting in one decision being overturned.

Of all of the complaints received by the OIA, 195 have related to conflicts of interest.

The OIA:

1. Receives and assesses complaints about inappropriate conduct and misconduct.
2. Refers inappropriate conduct to local government to deal with.
3. Where appropriate investigates allegations of misconduct; or corrupt conduct, if referred by the Crime and Corruption Commission (CCC).
4. Refers misconduct to CCT to be dealt with on a disciplinary basis and appears on contested matters.
5. Prosecutes criminal conduct offences against the *Local Government Act 2009* (the current Act) in the Magistrates Court.
6. Engages in prevention activities to inform and educate councillors around key misconduct risks.

The Independent Assessor's functions/roles are set out in more detail in sections 150CU, 150AN, 150AY, 150AZ and in a written direction provided to the Independent assessor (IA) by the Minister for Local Government Racing and Multi-Cultural Affairs on 21 November 2018. The Minister directed the IA to "provide advice, training and information to councillors, local government employees, local governments and other persons about alleged suspected inappropriate conduct, misconduct and corrupt conduct. This would allow the OIA to provide advice to councillors on matters relevant to the direction including:

- *Recurring or high-risk areas of councillor conduct*
- *Strategies to manage more complex conduct issues*
- *Guiding principles on in what circumstances the OIA will prosecute categories of councillor misconduct".*

Further to this function in the last five months:

1. The IA and the Integrity Commissioner (IC) have developed [guides and meeting aids for councillors to assist them to identify conflicts of interest and material personal interests](#) and to have appropriate discussions at council recording their decisions on conflict of interest and the reasons for them. These materials were developed with the input of the CCC, DLGRMA, QEC, QAO, the LGAQ and King and Co.
2. The IA and the IC have visited and, either conducted conflict of interest workshops, or spoken to representatives of 65 councils, either through Regional Organisations of Councils or individually about their issues with conflict of interest. A further 12 councils have requested to participate in conflict of interest workshops, but all future workshops have been deferred until the current Bill is passed.
3. The OIA has released its first [Insight newsletter](#) direct to all councillors, transparently reporting on complaint numbers, emerging issues and themes and including preventative advice.
4. The OIA has worked with the LGAQ to publish [guidelines for councillors on how to manage their social media](#) presence, as this was also an issue that was identified in early complaint trends. This guideline was also developed with the input of the CCC, ECQ, DLGRMA, IC and Queensland State Archives.
5. The OIA has provided [advice to councillors on five CCT decisions](#) to assist councillors to understand the boundaries being set in relation to councillor conduct and to use this information to inform their decision-making. The OIA has fast tracked a number of more borderline matters relating to conflicts of interest to understand how the CCT views these matters and pass guidance back to councillors.
6. The OIA has also worked with the CCC to develop guidance for councillors on the scope of the offence of influence in section 174I of the current Act. This work has however been deferred subject to the final form of the Bill.

This extensive work, both in dealing with and preventing complaints and speaking to councillors and councils has given the OIA a thorough understanding of conflicts of interest as it is applied in practice by councils.

The Bill

The *Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019 (the Bill)* was introduced to parliament on the 1 May 2019 and the Committee is due to table its report by the 21 June 2019.

Policy Objectives

The Bill is intended to implement the following:

- the second stage of the government's response to the recommendations of the Crime and Corruption Commission's report *Operation Belcarra: A blueprint for integrity and addressing corruption risk in local government* (Belcarra Report), following the commencement of the *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018*;
- the government's response to certain recommendations of the report of the Independent Panel, *A review of the conduct of the 2016 local government elections, the referendum and Toowoomba South by-election* (Soorley Report), and
- other reforms to improve diversity, transparency, integrity and consistency in local government.

Relevant to the OIA the proposed reforms to the local government legislative framework include:

- refining the processes for managing a conflict of interest, to provide councillors with more certainty and clarity (including introducing prescribed conflicts of interest);
- amending the councillor complaints framework to streamline investigations where there are related allegations of corrupt conduct, and applying the council complaints framework to the Brisbane City Council (BCC) in addition to all other local governments;
- prescribing additional integrity offences; and
- introducing new requirements relating to councillors' registers of interests, to align with the requirements applying to State Members of Parliament.

Submission

This submission will address only those aspects of the Bill that are of relevance to the work of the OIA.

In the interests of the enforcement of consistent standards of councillor conduct the OIA supports the Brisbane City Council coming under the councillor conduct scheme introduced in the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*.

This submission will therefore focus on:

- the conflict of interest and influence provisions;
- amendments in the proposed bill relating to the OIA investigating the conduct of senior council employees in certain circumstances; and
- some issues that have been identified with the operation of the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*, in the first six months of operation of the OIA, that may benefit from further amendment.

A. **Conflicts of Interest and Influence**

General Comments

Councillors' lack of capacity to understand conflicts of interest

Since the OIA commenced operation it has received 732 complaints as at 15 May 2019 and 26.6% of these complaints (195 complaints) have related to conflicts of interest. Councillor conflicts of interest are the most complained about single issue. Predominantly these complaints have been about a failure to disclose a conflict of interest. While some councillors' failure to disclose could be said to be deliberate or reckless, a significant driver has been the lack of general capacity of councillors to identify, and consequently appropriately disclose and manage, conflicts of interest. Contributors to this lack of capacity are likely to include:

- Previous prevention strategies that have focused on "when in doubt get out" rather than engaging in a process to identify whether there is a conflict or not;
- Historical lack of visibility of tribunal decision making and standard setting resulting in a lack of shared understanding of the standards being applied and inability to apply learnings to their own circumstances.
- An historical lower level of awareness of/enforcement of conflict of interest provisions and a historical lower level consequence for failing to properly disclose a conflict of interest;
- Recent changes to the Act in relation to conflict of interest which was contained in the *Local Government Electoral (Implementing State 1 of Belcarra) and Other Legislation Amendment Act 2018*;
- The turnover of councillors in four-year election cycles; and
- Possible cultural factors impacting on reporting;

The confluence of these factors has contributed to a general lack of councillor capacity to identify, properly disclose and manage conflicts of interest.

Having said this, it is important to note that in OIA discussions with councils and councillors, and observation of complaints received, it is clear that there is a lot of variability in capacity among councillors and from council to council. Some councillors and councils demonstrate good overall

capacity; on many councils there are a number of councillors who demonstrate capacity and there are some councils where the overall capacity of councillors is low and therefore, council as a whole is poorly equipped to handle conflict of interest matters.

OIA working to increase capacity through education and training

The IC and the IA have worked together to develop some [aids for councillors and councils to assist them to make good decisions about conflicts of interest](#) in the public interest, by setting out the relevant considerations and test that arise both from the current legislation and at common law.

Councils who are regularly having these conversations could reasonably be expected to develop greater capacity to both identify and decide on conflict of interest matters by understanding and applying consistent standards.

In the context of the current Bill, the OIA supports a policy response to conflicts of interest that both makes the disclosure and management of conflicts of interest clearer **and** supports the development of greater capacity of councillors and councils to identify and appropriately manage conflict of interest matters.

The OIA considers that the Bill is of assistance in making the conflict of interest provisions clearer (subject to one change that is recommended hereafter), but that it does not support councillors and councils to develop their capacity to identify, properly disclose and determine whether a personal interest amounts to a conflict of interest.

This is because the proposed Bill places the onus on individual councillors to identify whether they have a conflict of interest and disclose it, and removes their ability to disclose a **personal interest** and have council determine whether it is a conflict of interest.

Need for deterrent **and** preventative elements in regulating conflict of interest

Ideally, a conflict of interest regime that both works to deter councillors from not disclosing and managing their conflict of interest **and** supports councillors and councils to develop the capacity to identify and to manage conflict of interest - would work to reduce the number of conflict of interest complaints being received by the OIA. This would in turn allow the OIA to focus investigative and prosecution resources on those councillors who are deliberately or recklessly failing to manage their conflicts of interests.

It is considered therefore that a conflict of interest regime that does not also work to build capacity of councillors or councils may result in:

- Continued lack of capacity and understanding of conflicts of interest;
- Continued high level of misconduct complaints, disciplinary and potentially criminal matters (where the conduct is repeated) arising out of individual councillors failing to identify when they have a conflict of interest;
- Ongoing community concern about how councillors disclose and manage conflicts of interest;

- Elected representatives removing themselves from decision making, and depriving constituents of a voice when in fact they do not have a conflict of interest; and
- Misuse of the conflict of interest provisions by councillors who tactically disclose a conflict of interest and then remove themselves from decision-making and/or triggering alternative decision-making methods.

The OIA does not consider that training alone will be effective in developing councillor capacity to identify and disclose their conflicts of interest as there is no opportunity for councillors to practice applying the relevant principles after the training, unless there is also a legislative mechanism to do so through council consideration of conflict of interest matters.

How the Bill might address deterrence **and** support the development of broader capacity is addressed in OIA submissions on the Bill that are set out in detail hereafter in this submission.

The uncertain scope of the offence of 'influence'

Section 175I of the current Act creates an offence for a councillor with a material personal interest or conflict of interest to influence or attempt to influence council decision makers on matters relevant to their conflict.

While this offence would certainly capture the conduct of a councillor who, after declaring a conflict of interest on a matter, influences or attempts to influence other decision makers - the current drafting of this provision is unclear in what circumstances the offence of influence may be made out **before** a matter is on a council meeting agenda or with another council decision maker and/or **before** any conflict of interest is required to be disclosed under the Act.

This is important as matters may be the subject of discussion in workshops, pre-meetings and other forums in council for many months before they become a matter on a council meeting agenda or come up for a formal decision. This creates the potential for a conflicted councillor to influence a decision over a lengthy period of time and in forums where conflicts of interest are not required to be declared and interactions are not minuted. Councillors have expressed concerns to the OIA about how they should manage their interests in these earlier forums.

As section 175I is an integrity offence which will result in immediate suspension of a councillor upon charging, and disqualification from being a councillor for a period of 4 years upon conviction, it is important that the scope of the influence offence is clear.

The lack of clarity on the scope of the current influence offence has carried into the proposed new section 150EZ in the Bill - offence for a councillor with a prescribed conflict of interest or declarable interest to influence others.

The OIA is of the view that the offence of influence should also apply **before** a matter is on the agenda of council and before it is formally before a council decision maker, **but only in clearly articulated circumstances**.

The circumstances in which OIA considers that the extended scope of this offence should apply are addressed hereafter in this submission.

OIA submissions on the conflict of interest and influence provisions in the Bill

Support for prescribed conflicts of interest

The OIA supports removing material personal interests and creating prescribed conflicts of interest and declarable conflicts of interests. In doing so, the OIA acknowledges the expressed desire of councillors for more clarity and direction around conflicts of interest. The OIA also supports the proposed mechanism for dealing with prescribed conflicts of interest i.e. that councillors be immediately required to remove themselves from decision making.

As prescribed conflicts of interest are intended to create a very clear category of conflict of interest that councillors can easily identify and remove themselves from decision-making, the OIA considers that the drafting of the prescribed conflict of interest provisions must be tight and clear.

Amend to remove “or relates to” for greater clarity

The OIA considers that the prescribed conflict of interest referred to in section 150EI (a) would be clearer if the words “or relates to” are removed. The addition of these words expands the scope of the sub-section in a way which creates uncertainty.

The addition of these words would mean that a councillor’s consideration of certain related policy matters could be considered to “relate to a contract between the local government and a councillor”. For example, for councillors who have personal businesses that contract with council this may cause uncertainty over to what extent their consideration of a general procurement policy for council raises a prescribed conflict of interest under section 150EI(a). When you consider this uncertainty, together with the very broad nature of the offence of influence, this could cause concerns that councillors with business, agricultural or divisional interests commit the disqualifying offence of influence through their participation in broad/strategic policy discussions.

Consideration of some policy documents clearly should reasonably raise an obligation to disclose a conflict of interest on the part of a councillor, however whether it does so or not is a matter that might properly be considered as a declarable conflict of interest – depending on how closely connected a personal interest was to a policy consideration, what potential there was for a councillor to influence policy formulation in a way that might cause a benefit or detriment, what intervening eligibility criteria or separate decision making exists under the policy to determine who may benefit from council business (i.e. the remoteness or realisability of a benefit) and/or whether the councillor’s interest in a matter is no greater than that of other persons in the local government area.

The OIA recommends the removal of the words “or relates to” from section 150EI(1).

Need for mechanism in Bill for a councillor to declare an **interest** and allow council to decide if it is a ‘declarable conflict of interest’

Declarable conflicts of interest on the other hand are effectively the ‘catch all’ for conflicts of interest that do not fall within the clearer prescribed category. These conflicts of interest are likely to include more uncertain, complex or borderline matters.

It is counterintuitive then that these conflicts require individual councillors to themselves identify whether they have a conflict and disclose it. There is a high risk that councillors who do not have this capacity will get this wrong and expose themselves to disciplinary, or criminal action - if they do so repeatedly.

The OIA supports the category of declarable conflicts of interest, but submits that there should be a mechanism in the Bill to allow councillors to fully disclose a **personal interest** and allow other councillors to discuss the matter and determine whether this personal interest amounts to a **declarable conflict of interest**.

Such a mechanism would deliver on the educative and preventative element previously discussed by helping councillors to develop capacity, and could reasonably be expected to reduce the number of matters where well intentioned councillors fail to recognise a conflict of interest. Council’s deciding conflict of interest should be required to transparently record the reasons for their decisions.

The OIA recommends that in addition to disclosing a declarable conflict of interest that the legislation should provide a formal mechanism for a councillor to disclose a **personal interest** and ask council to discuss and vote on whether that personal interest amounts to a **declarable conflict of interest**.

The Offence of Influence

The lack of clarity on the scope of the influence offence has carried into the proposed new section 150EZ in the Bill - offence for a councillor with a prescribed conflict of interest or declarable interest to influence others. Arguably, the scope for uncertainty in section 150EZ has increased as the offence of influence has been broadened.

In the excerpt below the bolded words have been added to the offence description in section 150EZ(2). “The councillor must not **direct**, influence, attempt to influence **or discuss a matter with** another person who **is participating in a decision of the local government relating to the matter**”.

Note also the new inclusive definition in section 150EE of when a person participates in a decision. As this definition is an inclusive, not an exclusive definition, it does not assist to limit the scope of the proposed section 150EZ.

The OIA is of the view that the offence of influence should also apply **before** a matter is on the agenda of council and before it is formally before a council decision maker, but only in clearly articulated circumstances. Those circumstances should be:

1. Where it is reasonably anticipated that a matter will come before council, council employee or contractor for a decision; and
2. Where it is reasonably anticipated that a councillor would have a conflict of interest (prescribed or declarable) in relation to that matter; and
3. Where the councillor, a related party, or an election donor of the councillor is likely to receive either a significant benefit or a significant detriment as a result of the decision, to which the conflict relates.

B. Clarification required around when and how the OIA can investigate the conduct of other senior council employees in certain circumstances.

The Bill creates a new section 150TA that the IA must investigate the conduct of a local government employee if –

- (a) The conduct is subject of a complaint referred to the IA by the CCC; and
- (b) The conduct is connected to the conduct of a councillor that is the subject of a complaint referred to the assessor by the CCC.

The Bill also amends the OIA's investigative powers to allow the OIA to use these powers to investigate particular conduct of local government employees.

The OIA makes the following observations about these new provisions:

- (a) These provisions provide that the OIA can investigate particular conduct of local government employees when it is referred to the OIA by the CCC. This means that conduct of a local government employee that is connected to the conduct of councillor that comes to the OIA's attention during the course of an OIA investigation, or which is referred by a councillor, local government or member of the public - cannot be investigated by the OIA.
- (b) The wording of these provisions also means that particular conduct of local government employees will only be investigated by the OIA when there is a reasonable suspicion of corrupt conduct on the part of the councillor and or council employee. The OIA will not be able to investigate, for example where a councillor and council employee's misconduct is intertwined.
- (c) While the Bill provides a mechanism for the OIA to investigate particular conduct of a local government employee in prescribed circumstances it provides no mechanism for the OIA to deal with that conduct after investigation, including by referring back to the relevant local government for disciplinary action to be taken.
- (d) While the Act is clear on the definitions of inappropriate conduct and misconduct for councillors, the Bill is silent on what disciplinary standards apply to particular conduct of local government employees in these circumstances.

- (e) While the amendment to section 150V of the Act which is proposed in the Bill indicates that the intent of the Bill is to make the investigative powers in Part 4 of the current Act available to the investigation of the conduct of local government employees in particular circumstances it is unclear how this general intent sits with specific investigative power provisions. For example, the power to require information in section 150CH applies if an investigator reasonably believes that:
- i. an offence against a conduct provision has been committed (which can only be committed by a councillor) or
 - ii. a person has information reasonably necessary for the investigator to investigate the conduct of a councillor.

The OIA is of the view that the OIA should be able to investigate the alleged or suspected corrupt conduct **or misconduct** of council employees where that conduct is connected to the conduct of the councillor whether that conduct is referred by the CCC, **referred by local government, a local government official, a member of the public or is identified during an OIA own motion investigation**; and there should be a mechanism in the Act – similar to the current 150AA which allows the OIA to refer the conduct of a council employee, back to local government to be dealt with on a disciplinary basis.

C. Other issues identified with the application of the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018.*

Further to the above, the OIA has identified the following issues in relation to the application of the current councillor conduct provisions which may be considered worthy of amendment:

1. The IA currently has no capacity to disseminate a matter or part of a matter to another relevant agency unless it raises a reasonable suspicion of corrupt conduct and it being referred to the CCC. Examples of where this has been problematical in the last 6 months are as follows:
 - (a) OIA investigation into misconduct identified material relevant to an upcoming QAO audit, but no provision to disseminate to QAO for their purposes.
 - (b) OIA was investigating misconduct that is connected to a corrupt conduct matter under investigation by the Queensland Police Service (QPS), but there is no provision which allows OIA to disseminate information to the QPS for their purposes.
 - (c) OIA is undertaking a number of investigations in relation to a council which may be relevant directly or indirectly to investigations being undertaken by the CCC in relation to the same council, but which does not raise a reasonable suspicion of corrupt conduct.

The OIA recommends that a provision be inserted that allows the OIA to disseminate and or share information with other relevant agencies.

2. Significant delays are being experienced by the OIA in referring inappropriate conduct matters to local government for investigation. This is because section 150AA of the current Act requires a natural justice process to precede such referrals. The OIA is of the view that this 150AA process is a necessary natural justice requirement if the OIA proposes to refer a matter (where all necessary information has been gathered) back to local government to deal with disciplinary sanction - but that this is an unnecessary step and duplication when the OIA is proposing to refer a matter back to local government for investigation - which will include its own natural justice steps.

The current process is causing delays as there are six letters that are required to be sent to complainant/subject councillors/ local government to refer an inappropriate conduct matter to local government and the subject councillor is also provided a period of time in which to consider the referral of a possible investigation and comment on it. It should be noted in this context that the OIA's investigative powers do not extend to the investigation of inappropriate conduct. The OIA is currently undertaking 81% of assessment of complaints within 21 working days. The 19% of matters not meeting this timeframe are predominantly local government referrals for investigation. The change recommended in this paragraph would allow the OIA to complete a greater number of assessments within a shorter timeframe and make the process more efficient.

The OIA recommends that the current Act be amended to allow the OIA to refer inappropriate conduct directly to local government for investigation and that the section 150AA process be retained only for OIA referrals to local government where no investigation is required and the matter is referred for the council to consider whether inappropriate conduct has been sustained and to apply a sanction.

3. Oversight of how inappropriate conduct is dealt with by local governments

If a complaint received by the OIA is assessed as suspected inappropriate conduct it is required to be referred back to local government to be investigated and or dealt with in accordance with section 150AC of the Act. The OIA's investigative powers are not available for the investigation of inappropriate conduct. The Bill provides that the OIA may deal with inappropriate conduct and refer it to the CCT in limited circumstances, namely where it is connected to misconduct.

When the OIA refers a suspected inappropriate conduct matter back to local government to deal with the IA may make recommendations to the local government *about how the local government may investigate or deal with the conduct, including for example –*

- (a) The conduct should be referred to another entity for consideration; or*
- (b) Additional information is required about the conduct; or*
- (c) The conduct should be dealt with by mediation.*

Where the inappropriate conduct is alleged to have involved the Mayor the IA routinely makes a recommendation that the CCT conducts any investigation into the conduct and makes recommendations to the local government in relation to how it may be dealt with. Section 150AF provides that the local government must investigate the councillor's conduct in a way that is

consistent with any recommendation of the IA made under section 150AC(3); or in another way the local government, by resolution, decides.

There is no legislative requirement that the OIA be advised of the outcome of an inappropriate conduct matter, although the OIA includes in its referral correspondence a request that the OIA be advised of an outcome in due course and the OIA is tracking the outcome of inappropriate conduct matters.

There is no legislative basis in the current Act or the Bill for the IA to review a decision of local government in relation to how they have dealt with an inappropriate conduct matter.

To date the OIA has assessed and referred 18 matters back to local government to deal with. A further 7 matters are currently in the process of referral.

Of the 18 matters referred back: 4 have been referred to the CCT for investigation; 4 matters have been found to be unsubstantiated; 2 complainants have withdrawn their complaints after it was referred back to local government and the remaining 8 matters appear to be ongoing.

Case Study

In a recent matter the OIA referred two complaints from members of the public assessed as suspected inappropriate conduct back to local government to deal with on the basis that the conduct, if proven, could reasonably be considered as a breach of a behavioural standard in the Code of Conduct for Councillors in Queensland. As the councillor was not the Mayor no recommendation was made for how the local government should conduct the investigation or deal with the matter.

The complaints related to the subject councillor's comments in a media conference in relation to a large number of complaints about the local government being dismissed because they were frivolous. The complaints however had not been dismissed because they were frivolous, but because either they were complaints about a decision of council and or that the subject matter of the complaints was already under investigation by the CCC.

In May 2019, a report of the Mayor's investigation in relation to this matter was tabled in a Council meeting. Council subsequently found that the alleged inappropriate conduct was not sustained.

The Mayor's investigation identified that prior to engaging in the media interview the subject councillor was briefed by a council media officer who advised the councillor that the term frivolous could be applied to the reasons why councillor complaints had been dismissed. By itself this is not an unreasonable basis for the Investigation report to conclude that the complaints should not be sustained.

However, the investigation report also recommended that the complaints should not be upheld based on a belief that:

- The Code of Conduct for Councillors in Queensland is in conflict with the Australian Constitution's implied freedom of political communication;
- The Code of Conduct of Councillors in Queensland is in conflict with the *Human Rights Act 2019* (Qld) because it impinges on councillors' freedom of political expression.

On reflection, it is considered that there may be situations that arise where some form of monitoring and/or review of local government decisions in relation to inappropriate conduct is prudent.

There is significant precedent for disciplinary systems that provide some degree of monitoring and oversight when matters are referred back to an originating agency to be dealt with. For example, section 47 and 48 of the *Crime and Corruption Act 2001* provides the CCC with monitoring powers in relation to how the QPS and the Queensland Public Sector deals with disciplinary matters. (Refer also to Part 2 of the *Crime and Corruption Act 2001* generally) QPS and Queensland Public Sector disciplinary matters are investigated internally, and senior police officers or senior public servants are the decision maker in determining whether disciplinary matters are substantiated and what sanction should be applied. The CCC however may review certain disciplinary decisions to the Queensland Civil and Administrative Tribunal (219BA).

The OIA considers that an enhanced oversight mechanism for inappropriate conduct outcomes may be of value in supporting appropriate and consistent decision making across local government.

The OIA recommends that the Act be amended to require local governments to advise the IA of the outcome of inappropriate conduct matters referred by the IA and that a mechanism be provided for the IA to monitor and/or review disciplinary decisions of local government if to do so is reasonably necessary to uphold ethical standards and to promote and maintain public confidence in local government councillors.

I trust this submission is of assistance to the Committee in considering the Bill.



Kathleen Florian

Independent Assessor