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Crime and Corruption
Commission

QUEENSLAND

Our Reference: AD- 18-0181 / 18/032350

5 March 2018

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

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

Re: Local Government (Councillor Complaints) Amendment Bill 2018

The Crime and Corruption Commission (CCC) welcomes the opportunity to make this submission to the Economics and Governance Committee (the Committee) on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 (the Bill).

The CCC previously had the opportunity to make a submission to the Legal Affairs and Community Safety Committee (the Committee) on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017 which lapsed last year (the lapsed Bill). It appears that the Bill essentially reintroduces the provisions of the lapsed Bill.

Accordingly the CCC largely reiterates below its previous submission on the former Bill.

The policy objective of the Bill is to implement the Government's response to the Independent Councillor Complaints Review Panel's Report '*Councillor Complaints Review: A fair, effective and efficient framework*' (the Councillor Complaints Report).¹ The Bill deals with many issues which do not directly concern the *Crime and Corruption Act 2001* (CC Act). Accordingly this submission is generally limited to matters directly related to the CCC and the performance of its functions under the CC Act.

The CCC has been consulted regarding the interaction of the *Crime and Corruption Act 2001* and the broader system for dealing with complaints against councillors now dealt with by the Bill.

The CCC engaged with the Councillor Complaints Review Panel (the Panel) before the release of the Councillor Complaints Report. At the Panel's invitation the CCC had opportunity to provide early comment on the operation of the current system for dealing with complaints about local government councillors. The CCC also responded to the Panel's '*Discussion Paper: Issues and options for Queensland's councillor complaints policy, legislation and operations*'.

The CCC is generally supportive of the Bill's proposed model for dealing with councillor complaints, including the establishment of the Independent Assessor. The Bill maintains the CCC's primary responsibility for dealing with corrupt conduct. While the Director-General of the Department administering the *Local Government Act 2009* (LG Act) will

¹ The Bill Explanatory Notes, p. 1.

no longer be the relevant public official for the purposes of s. 46(2) of the CC Act²; that responsibility will be vested in the Independent Assessor³ who is a public official⁴ accountable to the CCC when dealing with complaints of corrupt conduct under the CC Act.⁵

The Bill prioritises the obligations of public officials⁶ under the CC Act and the LG Act⁷ to ensure that councillor conduct complaints will not compromise investigations under the CC Act. The CCC is satisfied that the Bill provides appropriate accountability and independent oversight regarding the exercise of coercive powers under the Bill for matters involving complaints of corrupt conduct against councillors.

The CCC would be pleased to provide any further information as required. If you require further information or any other assistance please contact in the first instance, Mr Mark Docwra by telephone or via

Yours sincerely,



A J MacSporran QC
Chairperson

² Clause 17 omits the current Chapter 6, Part 2, Division 6 of the *Local Government Act 2009*.

³ Clause 12 of the Bill inserts a new Chapter 5A into the *Local Government Act 2009*.

⁴ Part 3 of the Bill amending Schedule 1 of the *Public Service Act 2008*.

⁵ Clause 12 of the Bill inserts ss. 150B(2)(d), 150N, 150T(1)(d), 150CU(1)(a), 150CU(2) and 150EB(2)(a)(v) into the *Local Government Act 2009*.

⁶ See definition of 'public official' under Schedule 2, *Crime and Corruption Act 2001*.

⁷ For example, Clause 8 of the Bill.