



Our Ref: OUT24/3146

11 July 2024

Mr Chris Whiting MP  
Member for Bancroft  
Chair  
Housing, Big Build and Manufacturing Committee  
By email: [hbbmc@parliament.qld.gov.au](mailto:hbbmc@parliament.qld.gov.au)

Copy to:  
The Honourable Meaghan Scanlon  
Minister for Housing, Local Government and Planning  
and Minister for Public Works  
By email: [housing@ministerial.qld.gov.au](mailto:housing@ministerial.qld.gov.au)

Dear Chair

I am writing to provide you with a copy of the dashboard and operational report for the Office of the Independent Assessor (OIA), dated 30 June 2024.

The OIA has now completed a review of its statistics and data for the 2023-2024 financial year. I wish to draw your attention to the following key metrics:

- The OIA received 878 complaints, a two per cent decrease from the same period last year. The month of June 2024 gave rise to 134 complaints received which is one of the highest complaints received per month in the past four years;
- 76 per cent of all complaints assessed were dismissed or no further action taken on assessment which is an increase from 65 per cent in 2022-2023;
- 16 per cent of all complaints assessed lead to a misconduct investigation, down from 20 per cent in 2022-23;
- Two per cent of all complaints assessed were referred to a local government as a potential conduct breach, down from six per cent in 2022-23; and
- No misconduct applications were made to the Councillor Conduct Tribunal, down from 34 applications in 2022-23.

These metrics, when read holistically, confirm that the OIA has taken steps to ensure the policy intent of the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2023* is being implemented in a way that sees the OIA focused on more serious misconduct complaints, ensuring the framework is operating efficiently.

In 2023-24 the OIA did not refer any new matters to the Councillor Conduct Tribunal. Instead, the OIA has been focused on prioritising existing matters before the Councillor Conduct Tribunal. This prioritisation has seen the number of matters awaiting hearing by the Tribunal decrease from 65 applications as at 30 June 2023 to 6 applications as at 30 June 2024.

## Stakeholder Engagement

The OIA has continued to meet with key stakeholders on a regular basis. This engagement has included visiting councils to discuss the councillor complaints framework and how the OIA assesses and investigates complaints. The OIA has also instituted a quarterly CEO forum, acknowledging the key role CEOs play in the councillor complaints framework. The OIA is also working towards publication of a quarterly newsletter beginning this financial year, which conveys key learnings for the local government sector.

I wish to commend the Department of Housing, Local Government, Planning and Public Works, the Local Government Association of Queensland and the Local Government Managers Australia (Queensland) for their collaborative approach to engaging with the OIA. It is these relationships which are yielding great results for the councillor conduct framework.

This stakeholder engagement has also informed the new strategic plan for the OIA which is attached for your information. The strategic plan very clearly emphasises that the role of the OIA is to ensure an efficient and trusted councillor complaints framework but also importantly, to act strategically to enhance councillor integrity, reflecting our commitment to collaborating with key stakeholders to build councillor capacity.

I am available at any point should the Committee wish to seek further information.

Yours sincerely

A solid black rectangular box used to redact the signature of Bronwyn Blagoev.

**Bronwyn Blagoev**  
Independent Assessor  
Office of the Independent Assessor

# Office of the Independent Assessor

Performance snapshot 1 July 2023 – 30 June 2024



**878**

complaints received

2% decrease from same period last year



**635**

complaints dismissed or No Further Action on assessment

76% of all complaints received



**17**

complaints referred to local government as inappropriate conduct/conduct breach

2% of complaints received



**98%**

of complaints assessed and the outcome communicated within 21 working days



Referred **3** councils and **24** councillors for training, guidance or intervention



**21** active investigations

as at 30 June 2024

**147** investigations completed

including complaints from previous financial year



**3.33** months

average time to undertake an investigation into a complaint

as at 30 June 2024



**22**

complaints in legal process

as at 30 June 2024



**4.88** months\*

average time for complaints to be referred to the Councillor Conduct Tribunal (CCT) or dismissed

as at 30 June 2024



**6**

applications before the Councillor Conduct Tribunal (CCT)

as at 30 June 2024 (compared with 66 as at 30 June 2023)



**18**

applications decided by the CCT

represents 41 complaints, 15 councillors and 59 allegations



**12**

applications sustained in whole/part by the CCT

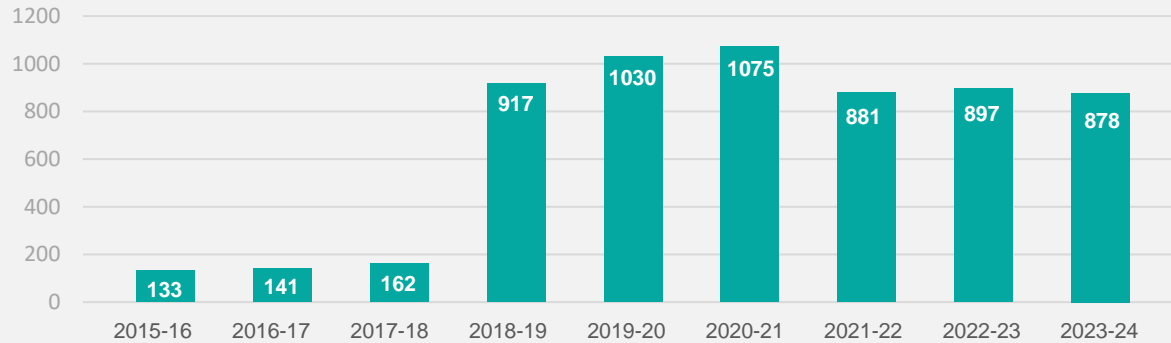
\* Note: This does not include three matters involving one councillor which were on hold pending a decision by the Councillor Conduct Tribunal.

***Upholding trust in the integrity of councillors***

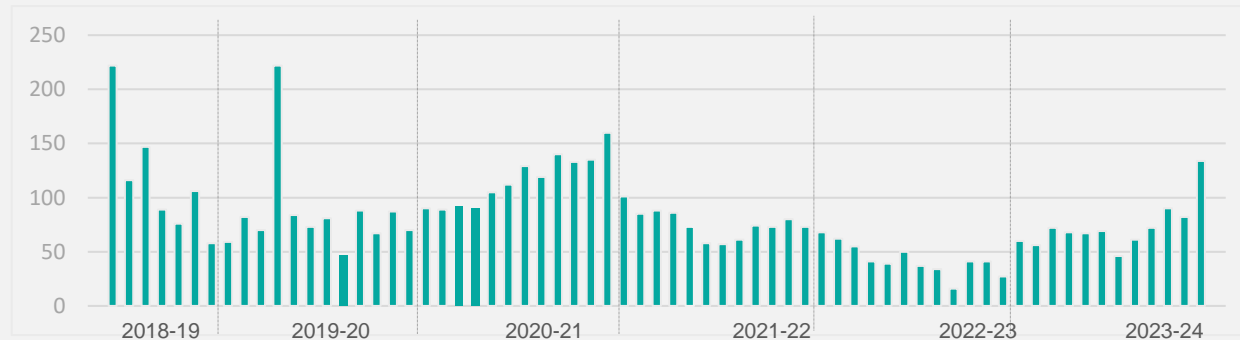
# Office of the Independent Assessor

Trends since establishment (3 December 2018)

Complaints received by year



Complaints received by month



**5585** Complaints received  
(to 30 June 2024)

## Common complaints made to the OIA:

- misuse of information or material acquired while a councillor
- giving directions to local government employees
- releasing confidential information
- failure to properly declare or manage a conflict of interest
- failure to record particulars of an interest in a register of interest
- influencing or attempting to influence a council decision-maker where a councillor has a conflict of interest.

***Upholding trust in the integrity of councillors***

Notes: 2015-2018 complaints framework managed by the department. Legislation which commenced on 3 December 2018 introduced mandatory reporting of councillor conduct by local government officials and required all complaints to be referred to the OIA for assessment.

**OIA Key Performance Snapshot – 1 July 2023 to 30 June 2024**

Function	Measure	Notes
Complaints received	878	2% decrease from the same time last year (897 complaints)
<b>Assessment</b>		
Complaints assessed	840	Includes 29 complaints received prior to 1 July 2023 but assessed in the current financial year
Complaints dismissed or NFA on assessment	635	76% of complaints received
Complaints referred to local government as inappropriate conduct/conduct breach	17	2% of complaints assessed
Misconduct investigations commenced	134	16% of complaints assessed (At the same time last year, the OIA had commenced 181 investigations, which was 20% of complaints assessed.)
<b>Intervention or training requests</b>		
Number of notifications to the department requesting training	3 councils	Councils where systemic issues have been identified
Number of recommendations to councillors to seek training/guidance	24 councillors	Individual councillor training recommendations as per 150SD(4)(c) or 150W(e) of the Act
<b>Investigations</b>		
Number of active investigations as at 30 June 2024	21	
Number of investigations completed	147	Includes complaints from previous year
Number of investigations reassessed and dismissed following changes to the Act	50	
<b>Statutory natural justice process</b>		
Number of complaints with legal as at 30 June 2024	22	
Number of complaints dismissed following changes to the Act	19	
Number of applications referred to CCT	0	



<b>Councillor Conduct Tribunal (CCT)</b>		
Applications before the CCT as at 30 June 2024	6	Represents 20 complaints, 6 councillors and 12 allegations
CCT applications reassessed and withdrawn following changes to the Act	42	
Applications decided by CCT as at 30 June 2024	18	Represents 41 complaints, 15 councillors and 59 allegations
Applications sustained	12 sustained in whole/part	
<b>Prosecution for statutory offence</b>		
Prosecution in Magistrates Court	1	Vexatious complaint. Now withdrawn.
<b>Reviews</b>		
QCAT reviews as at 30 June 2024	8 reviews	Represents 24 complaints, 6 councillors and 46 allegations
QCAT reviews completed between 1 July 2023 and 30 June 2024	4 reviews	1 sustaining misconduct (councillor review application unsuccessful) 3 finding not misconduct (2 councillor review applications successful; 1 IA review application unsuccessful) 3 further review applications withdrawn by councillors without being decided
Judicial reviews of OIA decisions by councillors	2 reviews	1 Appeal Court decision (councillor successful) 1 Supreme Court review (councillor unsuccessful)
<b>Other data</b>		
Number of matters dismissed due to office being vacated – 150SD(2)(d) and 150T(2)	28	
Number of CCT applications withdrawn due to office being vacated – 350(1)(c), 350(1)(c)(ii) and 150AKA(2)	22	

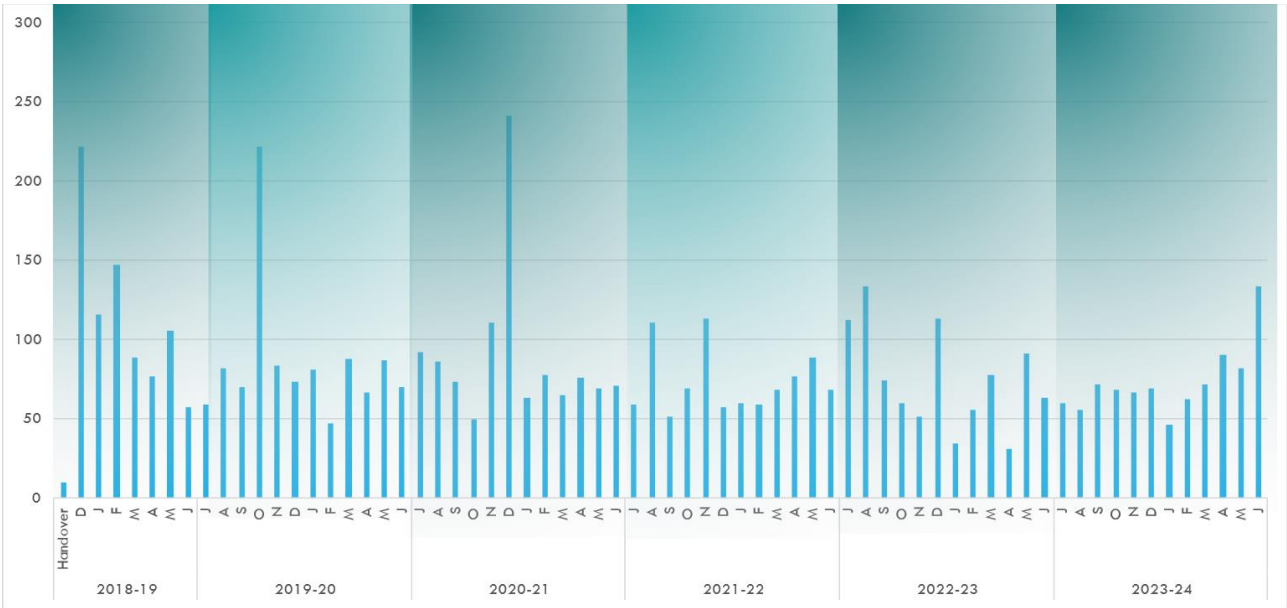
<b>2024 Local Government Elections (16 March 2024)</b>		
Total number of election-related complaints received from 29 January (start of caretaker) to 16 March 2024	69	CCC/OIA/ECQ 'Campaign with Integrity' letter to candidates sent 14 February 2024



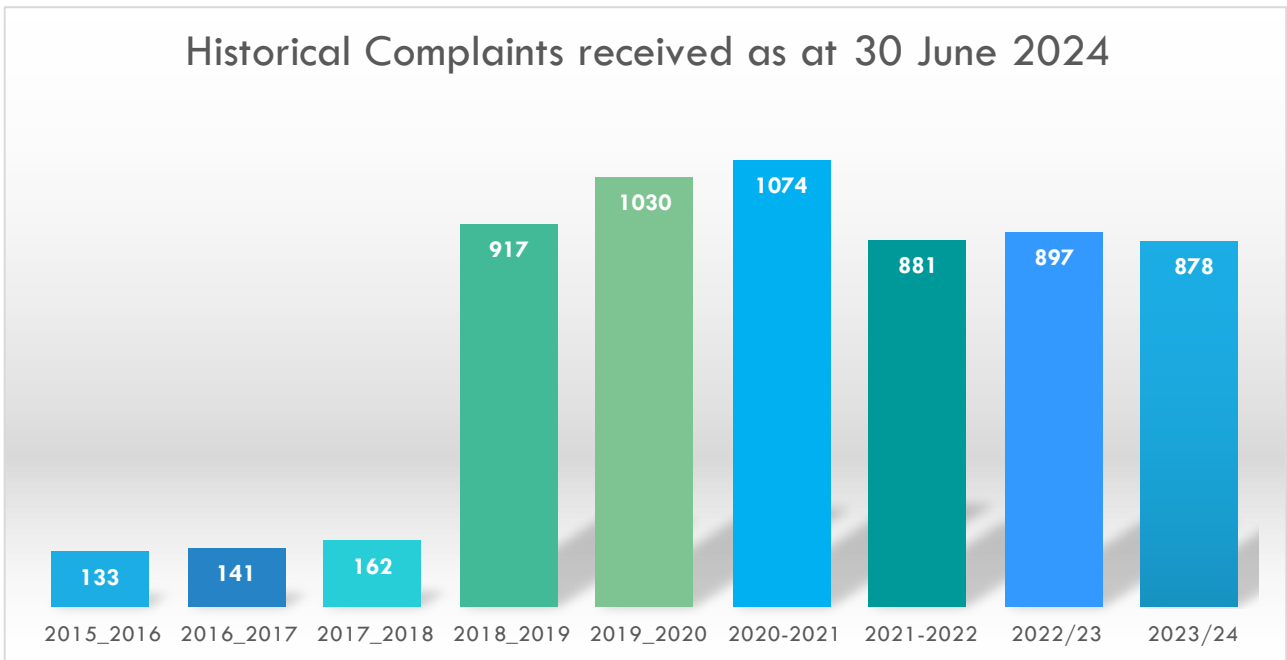


## Key measures – trends over time

### Complaints received by month since establishment of the OIA



### Complaints received by year



**Notes:**

- 2015-2018 complaints framework managed by the department.
- Legislation which commenced on 3 December 2018 introduced mandatory reporting of councillor conduct by local government officials and required all complaints to be referred to the OIA for assessment.

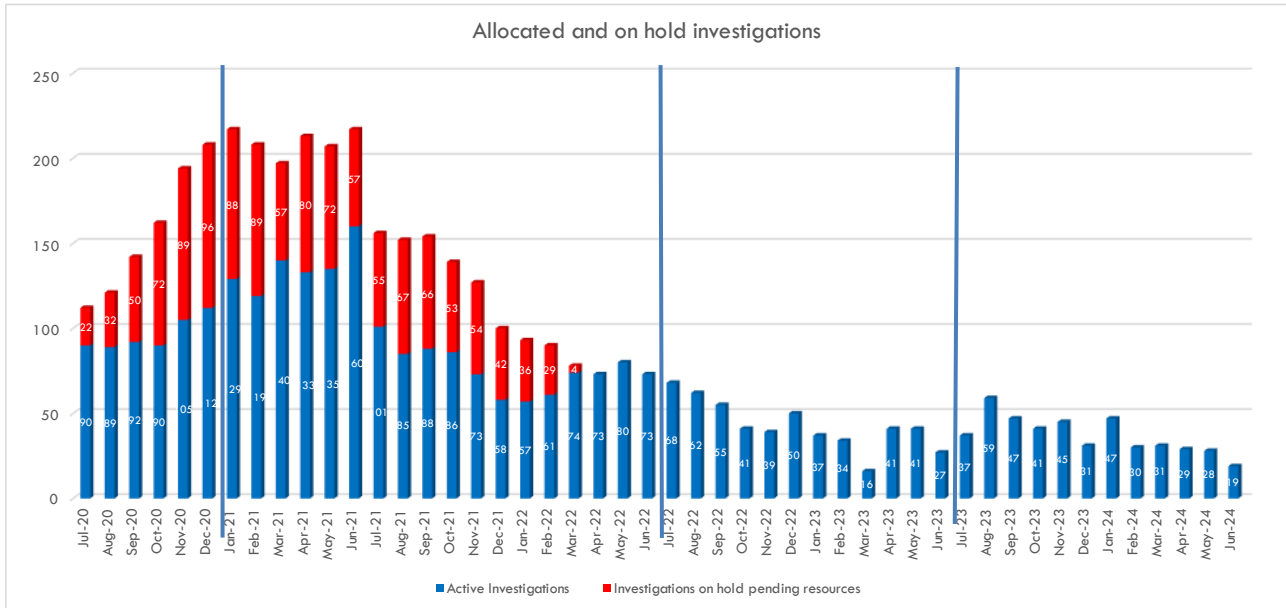


## Timeframes

### Assessment

As at 30 June 2024, **98 per cent** of complaints were assessed and the outcome communicated within 21 working days.

### Investigations (active and on hold pending available resources)



**Notes:**

- From July 2020, and as investigations started to backlog, investigations were placed ‘on hold’ pending the availability of an investigator. The number of ‘on hold’ investigations is depicted in **red**.
- The **blue** lines indicate when additional funding and temporary FTE positions were allocated to the OIA. This funding and FTE allowed the OIA to double the number of allocated investigators from four to eight.
- The 2023-24 State Budget provided funding and permanent FTE to transfer eight temporary staff to permanent positions (the OIA is now funded for 19 permanent FTE).



**Note: The following information is measured every six months.**

## Investigations

As at 30 June 2024, the average time taken to undertake an investigation into a complaint was **3.33 months** (up from 2.71 months as at 30 June 2023).

Timeframe	as at 30 June 2022	as at 31 Dec 2022	as at 30 June 2023	as at 31 Dec 2023	as at 30 June 2024
0 - 3 months	43	34	25	34	16
3 - 6 months	15	8	2	27	5
6 - 9 months	12	8	0	4	0
9 - 12 months	6	0	0	0	0
<b>Total</b>	<b>76</b>	<b>50</b>	<b>27*</b>	<b>65*</b>	<b>21</b>

Notes:

- This table shows the average age of currently active investigations.
- \* Six parked investigations were not reflected in this table (as at 30 June 2024, there were no parked investigations).

## Statutory natural justice process

As at 30 June 2024, the average time taken for complaint matters to be either referred to the CCT or dismissed was **4.88 months** (up from 4.37 months as at 30 June 2023). This result (and the table below) does not include three matters involving one councillor which were held pending a related decision by the CCT. Generally, key drivers for extending timeframes are councillors seeking extensions of time in which to respond, and delays in receiving material from council in affidavit form as per CCT directions.

Timeframe	as at 30 June 2023	as at 31 Dec 2023	as at 30 June 2024
0 - 3 months	8 (7 allegations)	7 (3 allegations)	5 (2 allegations)
3 - 6 months	0	0	5 (12 allegations)
6 - 9 months	1 (23 allegations)	2 (2 allegations)	9 (3 allegations)
9 - 12 months	0	0	0
<b>Total</b>	<b>9 (30 allegations)</b>	<b>9 (5 allegations)</b>	<b>19 (17 allegations)</b>

Notes:

- Any application made to the CCT may represent multiple complaints and allegations.

**Note: Timeframes for matters before the CCT and QCAT are at the discretion of the CCT and QCAT.**

## Councillor Conduct Tribunal

Timeframes for matters before CCT as at 30 June 2024

Timeframe	Applications with CCT	Number of complaints reflected in application	Number of allegations
0 - 3 months	0	0	0
3 - 6 months	0	0	0
6 - 9 months	0	0	0
9 months - 1 year	0	0	0
12 - 15 months	3	3	7
15 - 18 months	0	0	0
18 - 21 months	1	2	2
21 months - 2 years	0	0	0
2 years or more	2	15	3
<b>Total</b>	<b>6</b>	<b>20</b>	<b>12</b>

## QCAT

Timeframes for applications before QCAT for review as at 30 June 2024

Timeframe	Number of reviews to QCAT	Number of complaints reflected in a review	Number of allegations
0 - 3 months	2	17	6
3 - 6 months	0	0	0
6 - 9 months	1	1	11
9 months - 1 year	0	0	0
12 - 15 months	1	1	23
15 - 18 months	0	0	0
18 - 21 months	0	0	0
21 months - 2 years	1	2	2
2 years or more	3	3	4
<b>Total</b>	<b>8</b>	<b>24</b>	<b>46</b>

Notes:

- One of these reviews relates to more than 130 complaints which is being treated as one complaint for reporting.

**The Office of the Independent Assessor contributes to the Queensland Government's objectives for the community:**



**Growing our regions**

Help Queensland's regions grow by attracting people, talent and investment, and driving sustainable economic prosperity



**Building Queensland**

Drive investment in the infrastructure that supports the State's economy and jobs, builds resilience and underpins future prosperity

**OUR VISION**

*Trust in the integrity of councillors*

**HUMAN RIGHTS**

*We will respect, protect and promote human rights in our decision-making and actions*

**CULTURAL ACKNOWLEDGEMENT**

*We pay our respects to the Aboriginal and Torres Strait Islander ancestors of this land, their spirits and their legacy. The foundations laid by these ancestors—our First Nations peoples—give strength, inspiration and courage to current and future generations towards creating a better Queensland.*

**OUR PURPOSE**

**AN EFFICIENT AND TRUSTED COUNCILLOR COMPLAINTS FRAMEWORK**

OBJECTIVES

Deliver a complaints framework that is balanced, timely, efficient and consistent

PERFORMANCE INDICATORS

- Complaint clearance rate of 90 per cent
- Percentage of assessments completed within target timeframes
- Percentage of investigations/natural justice processes completed within target timeframes
- Frivolous and vexatious complaints are identified and dealt with

STRATEGIES

- Undertake quality and timely investigations into councillor conduct
- Effectively progress disciplinary matters to, and before, the Councillor Conduct Tribunal (CCT) and the Queensland Civil and Administrative Tribunal (QCAT)
- Maintain a workforce culture that fosters professional excellence and innovation
- Respond to changes in the environment and jurisdiction arising out of law reform from the parliamentary oversight committee's report *Inquiry into the Independent Assessor and councillor conduct complaints system* (State Development and Regional Industries Committee, October 2022)

**ACTING STRATEGICALLY TO ENHANCE COUNCILLOR INTEGRITY**

Collaborate with key stakeholders to support them to build capacity and foster a culture of accountability and ethical practice in local government.

- The number of complaints made to the Office of the Independent Assessor
- The number of referrals to the department responsible for local government to undertake targeted training interventions and capacity building based on information arising out of councillor conduct complaints
- The number of councillors who self-refer their own conduct

- Using holistic decision-making and a variety of legislative options to manage councillor complaints, improving councillor capacity and delivering early resolution
- Use complaints data to identify opportunities to strengthen accountabilities and ethical practice
- Engage through the department and/or the Tripartite Forum to communicate strategic training and law reform issues
- Regularly release councillor complaints metrics and information to stakeholders for educative purposes

**OUR OPPORTUNITIES ARE:**

- Support councillors focused on strong and resilient communities and economic prosperity to make ethical decisions in the public interest
- Support councillors to adjust to changing ethical expectations and cultural change
- Support an engaged workforce by valuing knowledge, capability and diversity and recognising and encouraging innovation

**WE STRIVE TO MANAGE RISK BY:**

- Using systems and resources as efficiently and effectively as possible
- Timely reporting of strategic issues impacting on the councillor conduct framework to the Minister, the department responsible for local government, the OIA parliamentary oversight committee and key stakeholders

**VALUES**



Customers first



Ideas into action



Unleash potential



Empower people



Be courageous



Queensland Government