



Dedicated to a better Brisbane

11 April 2017

Acting Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: lacsc@parliament.qld.gov.au

Dear Sir/Madam

Brisbane City Council (Council) is pleased to provide a submission on the Court and Civil Legislation Amendment Bill 2017.

Council supports amendments that seek to improve the efficiency and effectiveness of agencies and clarify, strengthen and update relevant legislation. In particular, Council is supportive of the proposed amendments to the *Right to Information Act 2009* and the *Information Privacy Act 2009* which clarify the requirement of an agency to provide access to personal information, exempt information and information which is contrary to the public interest, only where it is reasonably practical to give access to the information.

In relation to the changes proposed to the *Ombudsman Act 2001*, Council has some concerns about the following:

- The new power of the Ombudsman to direct the principal officer to table a report of the Ombudsman at a meeting of the local government.
- That the Ombudsman may also direct the principal officer to table a report of the Ombudsman if, during or after an investigation, the Ombudsman considers there is evidence of a breach of duty or misconduct on the part of an officer of an agency.

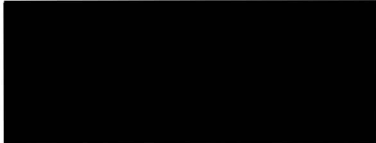
In respect of the first point, the principal officer of Council is the Chief Executive Officer. In accordance with the *City of Brisbane Act 2010* and the *Meetings Local Law 2001*, the Chief Executive Officer does not attend meetings of Council and is not permitted to table documents at the meeting. Council recommends that the current wording of section 50(4), which requires the principal officer to give a copy of the report and any recommendations to all members of the local government, be retained.

In respect of the second point, Council is concerned about the requirement to publicly disclose a report which merely indicates that the Ombudsman considers that there is evidence of a breach of duty or misconduct on the part of an officer of an agency. Council is required to comply with the provisions of the *Crime and Corruption Act 2001* which include carrying out investigations of conduct where there is a suspected breach of duty or misconduct. Council considers that this disclosure could reasonably be expected to impede the administration of justice both generally, including procedural fairness, and for the officer concerned in any investigation undertaken by Council in accordance with the *Crime and Corruption Act 2001*.

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Should you require any further information about Council's submission, please contact [REDACTED] Acting Chief Legal Counsel, City Legal, City Administration and Governance, on [REDACTED] or via email at [REDACTED]

Yours sincerely

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Colin Jensen
CHIEF EXECUTIVE OFFICER