

25 October, 2017

Contact: Andrew Ross  
General Counsel [REDACTED]

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

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**LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER LEGISLATION  
AMENDMENT BILL 2017 (THE BILL)**

Dear Ms Booth,

I refer to the call for submissions on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017 (the Bill).

On 25 October 2017 the Redland City Council resolved by Special Meeting to make this submission on the Bill.

The Redland City Council serves a community of approximately 150,000 coastal residents, across six islands and the mainland about 35 minutes from Brisbane. Council supports and commends the Government's introduction of the Bill to strengthen local government transparency and integrity.

**Submission**

Council acknowledges and supports that the policy objective of the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017 (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) to provide for a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct in Queensland.

Council supports the Bill and would like to provide feedback and recommendations on the following Items for consideration:

**1. Division 5 – Referral of conduct to local government**

Council recommends that:

- all complaints are dealt with independently (except in meetings) by the independent assessor and no complaints are referred to the local government to be dealt with.

- all requests for investigative information to the local government are to be sent to the Chief Executive Officer only for action.
- the Office of the Independent Assessor be resourced appropriately to manage the Councillors complaints process in its entirety.

## 2. Chapter 5 A s150AW – Protection from reprisal

Council recommends that the Bill be amended to include any person making, assessing, providing information and/or deciding complaints in the protected person definition. This protects any person from reprisal both internal and external to an organisation or agency.

## 3. Complaints made during election caretaker period

Council recommends that:

- There should be a prohibition from disclosing information regarding a Councillor complaint at any time (not just through the election caretaker period), until such time the complaint has been assessed, substantiated and finalised as determined by the Independent Assessor.
- Penalties be imposed on those who disclose information before a determination has been made.

## 4. The way a complaint is made

Council strongly supports the recommendation from the Independent Councillor Complaints Review Panel that a standardised form is developed, including a declaration that the complainant is acting in good faith and has provided information that is true and correct to the best of their knowledge. Council believes this will further deter frivolous and vexatious complainants and also reduce the amount of unsubstantiated complaints received.

## 5. Public disclosure of complaints

Council recommends that only the outcome of substantiated and finalised complaints is disclosed on the department's website or be made available for public viewing.

## Conclusion

Thank you for the opportunity to provide a submission on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017. Redland City Council looks forward to the proposed amendments being made and working with the state government in partnership to continue to uphold the transparency and accountability of local government in Queensland.

Yours faithfully



Andrew Chesterman  
Chief Executive Officer