



Southern Downs
REGIONAL COUNCIL

25 October 2017

Acting Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
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**Local Government (Councillor Complaints) and Other Legislation Amendment
Bill 2017 Part 2 Amendment of Local Government Act 2009
Southern Downs Regional Council Submission**

Southern Downs Regional Council has reviewed the proposed Legislation Amendment Bill and Amendment of Local Government Act 2009 and wishes to submit the following observations.

Southern Downs Regional Council made a submission to the Councillors Complaints Review that was undertaken in May 2016. Some of the key points and issues that were raised in the Council submission have been acknowledged and incorporated into the draft Bill. In addition the draft Bill has drawn in other aspects that relate to Councillor Complaints which should improve the manner in which complaints are dealt with.

It should be noted that Southern Downs Regional Council supports the establishment of an Independent Assessor and Office of the Independent Assessor. This issue was raised in the original Southern Downs Regional Council submission and it is submitted that having a person independent of the organisation is integral to achieving thorough and detailed investigations. This also removes the responsibility being placed upon the Mayor and Chief Executive Officer, a responsibility that has caused issues in the past between the elected members and the employees.

Furthermore, Southern Downs Regional Council supports the establishment of the Councillor Conduct Tribunal to deal with alleged misconduct and inappropriate conduct undertaken by Councillors and former Councillors. Southern Downs Regional Council welcomes the further clarification on the difference between defining inappropriate conduct and misconduct, as this has proven to be problematic in the past.

Additionally, Council notes the proposed establishment of the Local Government Remuneration Commission to replace the Local Government Remuneration and Discipline Tribunal. Southern Downs Regional Council would encourage the Commission to undertake extensive consultation with the community to explain the procedure and processes used for the review of Mayor and Councillors allowances. The community is of the opinion that the Mayor and Councillors have the capacity to raise their level of pay without scrutiny. This is clearly not the case, and the entire process of increasing or decreasing allowances needs to be clearly explained to the community.

Additionally, it would be useful for all local government authorities to be consistent in accepting the recommendations relating to increases or decreases in the level of allowances applied, rather than have some local government authorities accept the allowances and other local government authorities place them in abeyance.

In relation to dealing with complaints, Southern Downs Regional Council believes it is important to have stringent timelines associated with the receipt of the complaint and the determined outcome. Council submits that complaints should be determined within 25 business days of being received. There are valid reasons for this strict timeframe to be considered and potentially implemented.

In many circumstances the complaint or the process of dealing with the complaint impacts on the interpersonal communications between Councillors, and if not dealt with within a short period of time has the potential to create a level of tension that can lead to further complaints being lodged.

Additionally, the processing of a complaint can often impact on effective decision making, as well as influencing the general atmosphere of the Council Chamber.

Furthermore, failure to deal with a complaint in a reasonable timeframe often causes stress on individuals and those around them, which may result again in further complaints and potential claims against Council.

Southern Downs Regional Council contends that all complaints should be dealt with within a 25 business day timeframe, creating a clear terms of reference and framework for the determination of complaints.

Southern Downs Regional Council welcomes the proposed changes to the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017, however it is noted that these changes will need to be communicated to Councillors and senior officers comprehensively and in a manner that is easily understood. The level of training will need to be of a standard that is much higher than what has previously been delivered. Southern Downs Regional Council would be keen to understand how this training would be undertaken and which organisation or Department would be undertaking the training.

Given the establishment of the Office of the Independent Assessor and the Councillor Conduct Tribunal, Southern Downs Regional Council would be keen to understand the role of the Department of Infrastructure Local Government and Planning, once these reforms are adopted.

Southern Downs Regional Council welcomes the reforms that have been made under the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017 and would be happy to present to the Committee if requested.

Yours faithfully



Tracy Dobie
Mayor