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Acting Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017

The current process for dealing with complaints against Councillors is inadequate, discriminatory and invites harassment, bullying and even abuse of power.

Currently, if a complaint is lodged, depending on the circumstances, the CEO has the role of investigating and deciding as to the guilt or innocence of the Councillor. The Mayor then has the role to determine the penalty against the Councillor. The current provisions within s176(9) declare:

A decision under this part by any of the following persons is not subject to appeal—

- (a) a regional conduct review panel;*
- (b) the tribunal;*
- (c) the chief executive officer;*
- (d) a mayor;*
- (e) a deputy mayor;*
- (f) the chairperson of a meeting;*
- (g) the department's chief executive.*

This means neither the assessment of a complaint against a Councillor (e.g. by the CEO) nor the penalty determined (e.g. by the Mayor) can be reviewed. It is a poorly drafted provision that denies natural justice and procedural fairness. There are currently no provisions defined as to how the CEO is to undertake the assessment, and there is no provision for the accused to provide an explanation, or seek a review. It is absolute.

Code of Conduct

The Bill supports the introduction of a uniform Code of Conduct. I am supportive of this.

Follent

I note that the draft Bill provides at s150D (2) that “The code of conduct may also contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.”

In this context I request that the Committee examines the issue of Mayoral directives. The current Act contains an ambiguity regarding the issuing of directives to the CEO by the Mayor, viz:

- A. s12 (4) states "The mayor has the following extra responsibilities—
(d) directing the chief executive officer and senior executive employees, in accordance with the local government’s policies.”
- B. and s170(1) Giving directions to local government staff says, “The mayor may give a direction to the chief executive officer or senior executive employees.”

It is rumoured that that the [REDACTED] issues directives to the [REDACTED] that may not be in accordance with the Council’s policies. When a [REDACTED] questions such matters with [REDACTED], the enquiry can be met with insult and the risk of [REDACTED] being reported to the Department for ‘inappropriate conduct’.

Previous governance procedures required that a record of directives be kept. There is no longer such requirement or respect for that intent. It is understood [REDACTED] has issued numerous directives to [REDACTED], without the knowledge of [REDACTED]

Proposal

It is suggested that the current ambiguity in s12 and s170 be dealt with and that it be made mandatory that a public record of Mayoral directives be undertaken and that such directives be in accordance with Council policies.

Yours faithfully

Regards



Philip Follent

[REDACTED]

[REDACTED]