

**From your Council Representative****Councillor Wendy Boglary – Deputy Mayor**
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Our Ref: WB:tn

26 October 2017

Councillor Wendy Boglary

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18th October 2017

Acting Committee Secretary

Legal Affairs and Community safety Committee

Parliament House

George Street

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Submission in relation to: Local government (Councillor Complaints) and Other Legislation Amendment Bill 2107

I refer to the opening for submissions on the above Bill and applaud and support the State Government for presenting a Bill with the policy objective being to implement the Governments response to the independent Councillor complaints Review panel's Report "Councillor complaints Review: A fair, effective and efficient framework" to provide for a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct in Queensland.

I fully support recommendation 4.1 which states the Local Government Act to be amended to provide that the "preliminary assessment" of any complaint against a councillor should be made by an Independent Assessor and not by council CEO, or the Departments chief executive.

I would like to recommend that all complaints are dealt with entirely by an independent assessor with no referral to Local Governments including CEO and/or Mayors. Having been the victim of frivolous and vexatious complaints it is extremely important that councillors can have faith and trust in the complaint system and that there is no room for any perceptions of lack of integrity in this process. I support the introduction of the independent assessor as a priority change.

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Section 150AW I support all changes that increase protection for any person that makes a complaint in the best interest of the public, any third party that is called for information throughout the investigation and any assessor involved in the process.

For the protection of councillors I support the Bill in prohibiting disclosure of information referring to the complains throughout any stage, not just election caretaker period, until such time the complaint has been assessed, substantiated, finalised and published by the Independent Assessor.

I have witnessed complaints made to discredit a person, information concerning councillors leaked, before any investigation results given, to sway election results and destroy a person's character. It is imperative that complaints are kept confidential so justice can be given to all involved.

Unfortunately in my opinion, the present process within Queensland Councils lends to political interference with CEO's and Mayors making determinations.

Under the current Local Government Act the Mayor can give directions to the CEO and senior executive employees. One clause in the Act , reads the Mayor can direct, in accordance with the local government policies however when mentioned a second time in the Act it reads "The Mayor can give direction to the Chief Executive officer or senior executive employees", without mentioning in accordance with council policies. This could possibly allow Mayors to direct senior council staff according to their own agendas. This could possibly affect outcomes of investigations if being decided by the CEO and or mayors.

Once again I would like to give my support to the proposed changes in this Bill and thank the State Government on this initiative but also ask that the Local Government Act is reviewed to ensure there are no ambiguous statements such as the previous one concerning powers given to the Mayors.

Warm regards



Cr Wendy Boglary
Deputy Mayor
Councillor for Division 1