



## Councillor Peter Young

Division 5

PO Box 5042 GCMC QLD 9729

E [division5@goldcoast.qld.gov.au](mailto:division5@goldcoast.qld.gov.au) W [cityofgoldcoast.com.au](http://cityofgoldcoast.com.au)  
f [facebook.com/PeterYoungDiv5](https://facebook.com/PeterYoungDiv5)



CITY OF  
**GOLDCOAST.**

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

**Email:** <mailto:lacsc@parliament.qld.gov.au>

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

I am grateful for the opportunity to make this submission to the Committee. I am a Councillor of the City of Gold Coast for more than 13 years and I welcome legislative reform.

#### **Dealing with Complaints**

The current process for dealing with complaints against Councillors is very poor and invites abuse. At present if a complaint is lodged, depending on the circumstances, the CEO has the role of investigating and making a decision as to the guilt or innocence of the Councillor. The Mayor then has the role to determine the penalty against the Councillor. The current 'kangaroo court' 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.

That means neither the assessment of a complaint against a Councillor (eg by the CEO) nor the penalty determined (eg by the Mayor) is able to be reviewed. It is an archaic 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.

I fully support the provisions included in the Bill.

**Code of Conduct**

The Bill supports the introduction of a uniform Code of Conduct. I fully support this.

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 wish to draw the attention of the Committee to the issue of Mayoral directives. The current Act contains an ambiguity regarding the issuing of directives to the CEO by the Mayor, viz:

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."

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 my opinion that [REDACTED] has issued directives to [REDACTED] that are not in accordance with the Council's policies. When I have questioned such matters with [REDACTED], my enquiry has never been fully answered.

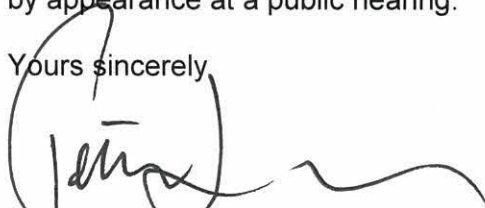
Also, it is notable that previously there was a requirement to keep a record of directives. There is no requirement now. It is understood [REDACTED] has issued dozens of directives to [REDACTED] without the knowledge of [REDACTED].

I submit that the current ambiguity in s12 and s170 be overcome, and that it become a requirement that Mayoral directives be in accordance with Council policies, and that the directives be recorded.

Alternatively, or in addition, it is suggested that the Code of Conduct be (s150D) incorporate provisions that require directives be in accordance with Council policy, and that Mayoral directives be recorded.

I welcome any request of the Committee to provide further information in writing or by appearance at a public hearing.

Yours sincerely,



**PETER YOUNG**

*Councillor for Division 5*

PY:jt #65526333