

27 July 2015

The Research Director  
Parliamentary Crime and Corruption Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Sir/Madam

Thank you for the invitation to make a submission into the Committee's Review of the Crime and Corruption Commission (CCC).

The Local Government Association of Queensland (LGAQ) has worked cooperatively and in partnership with the CCC and its predecessor, the Crime and Misconduct Commission (CMC), for many years and is committed to maintaining this relationship.

We would like to take this opportunity, however, to reiterate the concerns we have expressed previously about the excessive time it takes the CCC to investigate official misconduct allegations against local government councillors and employees. The recent high profile investigations into ultimately unfounded allegations against Cr Allan Sutherland of Moreton Bay Regional Council and Cr Paul Pisasale of Ipswich City Council have highlighted the ongoing validity of these concerns.

Please find attached a copy of a submission to the CMC Chairperson dated 23 March 2012 which outlines our concerns in detail.

The LGAQ wishes to again highlight the impact unnecessarily prolonged investigations have on the operations of the councils concerned and on the standing of the councillors under investigation, particularly as a result of unproductive discourse in the media during the investigation.

We urge the Committee to recommend that the CCC make every effort to expedite such misconduct matters.

Yours sincerely

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Greg Hallam PSM  
CHIEF EXECUTIVE OFFICER

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23 March 2012

Mr Ross Martin SC  
 Chairperson  
 Crime and Misconduct Commission  
 G P O Box 3123  
 BRISBANE QLD 4001

Dear Mr Martin

**REQUEST FOR REVIEW OF ASSESSMENT AND INVESTIGATION PROCESSES AND PROCEDURES - OFFICIAL MISCONDUCT ALLEGATIONS AGAINST LOCAL GOVERNMENT COUNCILLORS AND EMPLOYEES**

**Introduction**

1. The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve the State's 73 Councils and their individual needs. It has been advising, supporting and representing Councils since 1896. One of the objects of the LGAQ (as specifically stated in its constitution) is to act as a representative body for Members and/or groups of Members, for the purpose of providing effective and professional representation in dealings between local government and other levels of government.
2. The LGAQ has been a strong supporter of, and (in relation to local government anti-corruption issues) training partner with, your Commission for many years. However, the LGAQ is gravely concerned about the process that was adopted in relation to complaints of alleged official misconduct made against the Mayor of Moreton Bay Regional Council (Councillor Alan Sutherland), such that it is compelled to make the following submission.

**Summary of submission**

3. The LGAQ requests that the Commission formally undertakes a review of its practices and procedures involved with the assessment, investigation, referral and management of complaints of official misconduct against local government councillors and employees, with a view to ensuring that: -
  - Commission officers that assess or investigate such matters have appropriate experience in dealing with local government processes;
  - Commission officers that assess or investigate such matters have appropriate training in local government processes; and
  - Misconduct matters are handled fairly and expeditiously in all cases.

**Background**


4. On 22 November 2010, Councillor Allan Sutherland, Mayor of Moreton Bay Regional Council, referred complaints about his conduct to the Commission for investigation.



**Submission**

13. In the context of the facts stated above, the LGAQ requests that the Commission formally undertakes a review of its practices and procedures involved with the assessment, investigation, referral and management of complaints of official misconduct against local government councillors and employees, with a view to ensuring that: -
- Commission officers that assess or investigate such matters have appropriate experience in dealing with local government processes;
  - Commission officers that assess or investigate such matters have appropriate training in local government processes; and
  - Misconduct matters are handled fairly and expeditiously in all cases.
14. It is the LGAQ's position that it should have been entirely possible to conduct and conclude the assessment and investigation of the matter within a much shorter period of time than the 16 months which were ultimately taken.
16. Leaving aside the significant personal effect which the investigation has had on Councillor Sutherland (and his family), its existence has affected Councillor Sutherland's ability to manage his responsibilities as Mayor of the Moreton Bay Regional Council. The ability of the Council itself to conduct its affairs has been hindered as a consequence of the unresolved misconduct investigation.
17. While these concerns have been raised in the specific context of the investigation into Councillor Sutherland, the LGAQ is of the view that the Commission ought to undertake a wholesale review of its practices and procedures involved with the assessment and investigation of complaints of this type. The LGAQ does not consider that Councillors or local government employees should be subjected to investigations which drag on unnecessarily, or which involve referral to agencies, such as the DPP, where such referral is neither appropriate nor warranted in the specific circumstances.
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18. The LGAQ considers that such a review is necessary not only to prevent unfairness to those who are the subject of such investigations, but also to maintain confidence in the administration of local government throughout the State. It undermines public confidence in the system of local government and its elected representatives where investigations drag on for extended periods of time without resolution. The LGAQ considers that the maintenance of public confidence in local government and its ability to deliver services with transparency and accountability to be of paramount importance.
19. The LGAQ notes the Commission's obligations in relation to performing its misconduct functions, as detailed in sections 33, 34 and 35 of the Act. It is submitted that the assessment and investigation of the complaint against Councillor Sutherland fell well below the standards and expectations set by these sections.
20. 

That notwithstanding our concerns in this matter the LGAQ remains fully committed to working cooperatively and in partnership with the CMC.

Yours faithfully

A handwritten signature in black ink, appearing to read "G. Hallam".

Greg Hallam PSM  
CHIEF EXECUTIVE OFFICER