



Lockyer Valley Regional Council
26 Railway Street, PO Box 82, Gatton Qld 4343
All official correspondence to be addressed to the CEO
Telephone 1300 005 872 | Facsimile (07) 5462 3269
Email mailbox@lvrc.qld.gov.au | www.lockyervalley.qld.gov.au

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Enquiries: 07 5462 0314

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

Email: pccc@parliament.qld.gov.au

Dear Sir

REVIEW OF THE CRIME AND CORRUPTION COMMISSION

I refer to the recent invitation from the Parliamentary Crime and Corruption Committee to make a submission to the Review of the Crime and Corruption Commission (CCC). I understand that the Review will cover all aspects of that CCC's operation as well as the legislative framework underpinning that Commission.

The work of the CCC is fundamental to preventing, combating and reducing the incidence of major crime as well as serious corruption in the public sector. Local Government is an area of the public sector that has CCC oversight to instil confidence in the general public that local government can continue to deliver its services with high levels of integrity.

However, I am concerned that the legislative framework for dealing with serious crime, corruption, misconduct and inappropriate behaviour across public sector is overly complex, lacks clarity and can be ineffective in dealing with those undesirable activities and behaviours.

In the local government arena we are faced with a plethora of legislation that applies to local governments regardless of their relative size and capacity. A local government such as Lockyer Valley Regional Council has relatively modest means yet is faced with a complex and overlapping suite of legislation that does not foster clear administration. A potential offence by a Council officer or Councillor may require reference to the *Crime and Corruption Act 2001*, the *Criminal Code Act 1899*, the *Public Interest Disclosure Act 2010* and the *Local Government Act 2009*. This is before considering the numerous other pieces of legislation of relevance to local governments that contain criminal offences.

To demonstrate this complexity, Lockyer Valley Regional Council utilises a complex flowchart of decisions and referrals simply to appropriately and lawfully deal with referrals of complaints under the Local Government Act 2009. This is before we even consider how the matter should be dealt with pursuant to other potentially applicable legislation.



Of further concern, from Council's experience, is that having expended considerable resources in training and upskilling officers, applying the legislation, and referring matters to relevant agencies we often see little outcome in terms of punitive action. This does not create the incentive for Council to continue to commit resources to this function nor does it create the disincentive for offenders to moderate behaviour.

It is considered that the legislative framework needs to be revised and simplified to better delineate which provisions relate specifically to local government officers and councillors. Genuinely serious criminal behaviour and significant corruption needs to be dealt with in terms of the *Crime and Corruption Act* and the *Criminal Code Act*. Other actions need consideration pursuant to an improved and simplified *Local Government Act*. One step may be to consider the definition of what constitutes a "serious" case of corrupt conduct. This should be clarified and implemented.

In relation to councillor complaints and the Crime and Corruption Commission:

Regardless of which legislation is applicable, penalties need to be appropriate. In particular the ability to deal with and discipline misconduct by Councillors needs to be addressed. I note that the definition of "misconduct" differs between the *Local Government Act* and the *Crime and Corruption Act* which does not assist in interpretation and application.

The need for natural justice and procedural fairness in the process of dealing with complaints of misconduct and inappropriate behaviour is recognised. Yet the legislation and its administration need improvement. The administration of these complaints is time consuming, resource intensive and confusing. In our experience the administration of these complaints are ultimately of limited effect when even those complaints that are sustained result in limited disciplinary action.

Rather than a broad based approval to deal with the public sector, the framework should specify and customise implementation for all public agencies, or at least for classes of agency e.g. State Government, Local Government.

It is submitted that the Crime and Corruption Commission needs also to return to its role, an education component to support agencies through the processes so that more effective interactions can lead to outcomes. At present the focus is on the process, not the offences/complaints.

Thank you for the opportunity to provide input to this Review. If you require further detail, or examples of the issues raised, please contact Council's Executive Manager Governance, Engagement and Regional Development, Mr Jason Bradshaw via email jbradshaw@lvrc.qld.gov.au or phone 5462 0314.

Yours faithfully



Ian Flint
CHIEF EXECUTIVE OFFICER

