



**Moreton Bay**  
Regional Council

Office of the CEO

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

*By email only: [pccc@parliament.qld.gov.au](mailto:pccc@parliament.qld.gov.au)*

Dear Sir/Madam,

### **Review of the Crime and Corruption Commission**

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Thank you for your letter of 10 June 2015 inviting submissions to assist in the statutory review of the Crime and Corruption Commission (**CCC**).

The Moreton Bay Regional Council appreciates the opportunity to provide the Parliamentary Crime and Corruption Committee with its feedback.

### **Devolution of responsibility for corruption matters**

Under the *Crime and Corruption Act 2001* (Act) the Chief Executive Officer (CEO) of a local government must notify the CCC if the CEO reasonably suspects that a complaint involves or may involve corrupt conduct, (s.38). The duty to notify is paramount, (s.39).

Under the *Local Government Act 2009*, (LGA), any complaint about councillor conduct must be referred to the CEO and processed in accordance with the LGA, (s.176B).

It follows that a local government CEO is the referring party for complaints about councillors that must be notified to the CCC.

The CEO is appointed by the local government, (LGA s.194), and the efficiency and effectiveness of any local government is significantly influenced by the relationship between its CEO and councillors.

Complaints about councillors can be politically motivated. In this regard the Council notes that while a complaint about corrupt conduct made directly to the CCC must be made by statutory declaration, (s.36), this requirement does not apply to complaints made to a local government.

The operation of these provisions of the Act and the LGA place CEO's in a difficult position when dealing with complaints about councillor conduct.

At best the relationship between CEO's and councillors is strained, and the operations of the local government compromised. At worst a CEO might be seen to have a conflict between their personal interest in maintaining a relationship directly impacting on their employment and the public interest in, and statutory duty to, notify matters to the CCC that might involve corrupt conduct.

The difficulties are obviously exacerbated when a complaint is perceived to be politically motivated.

The Council submits that it would be beneficial for the Committee to consider ways in which the CEO of a local government can be insulated from this position.

### **Length of investigations**


As a general observation the Council has concerns that CCC investigations into complaints about councillor conduct appear to take a long time to reach conclusion.

A CCC investigation introduces stressors that adversely impact on the subject councillor and on the operations of the local government as a whole.

The Council considers it is in the best interests of the system of local government, councillors and complainants that investigations into councillor conduct be carried out and concluded as expeditiously as possible.

To this end the Council submits that the Committee's review should consider the CCC's investigation processes including the resources devoted to the process.

Yours sincerely,



Daryl Hitzman  
Chief Executive Officer