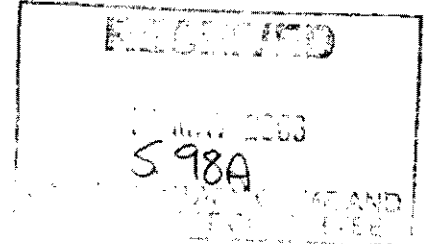


Contact Officer: Michael Köhne
Email: m.kohne@caloundra.qld.gov.au
Phone No: (07) 5420 8979
Please Quote Our Ref: 16/09/031

11 May 2006

The Parliamentary Crime and Misconduct Committee
George Street
BRISBANE QLD 4000



Dear Sir/Madam

I refer to the recent circular provided by the Local Government Association of Queensland in relation to a review of the Crime and Misconduct Commission (CMC) being undertaken by the Parliamentary Crime and Misconduct Committee.

It has been the experience of Caloundra City Council that the current referral of many complaints back to the chief executive officer (CEO) of the relevant local government to investigate is both an example of cost shifting and wrong in principle where the complaint involves a councillor or councillors as a party to the complaint.

The process of reporting a matter to the CMC is accepted, as the CMC is the governing body for Queensland Local Government in relation to the reporting of crime, misconduct, fraud and related matters.

However local government is not funded to investigate CMC referred matters. As such the referral of matters that are the primary responsibility of the CMC back to the CEO to investigate without funding assistance is an exercise in cost shifting.

Source of funding aside, staff related complaints may be appropriate to investigate in house. Issues exist however with the depth of investigation required and acceptance of the ultimate outcome. The requirement in many cases for the CEO to report to the CMC and wait for further direction is an example of 'red tape' unnecessarily complicating the process. If a complaint is too complicated or serious for the CEO to handle without report back to the CMC it should not be referred to the CEO by the CMC in the first place.

Councillor related complaints are not appropriate to investigate in house. There is a resource issue in engaging an external investigator which should not be borne by local government. As the CMC is the governing body for crime and misconduct matters it should investigate complaints that involve a councillor, or councillors, as either party. Fundamentally there is an issue when the responsibility to investigate a councillor's action, or councillors' actions, is referred to the CEO. As you would appreciate the political atmosphere is not conducive to having a CEO investigate a councillor, or mayor. It is understood that the chief executive officers of state government agencies are not required to investigate complaints against their respective ministers. That, Council understands, is left to the CMC.

Del:
Offic
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CMC

Council is merely asking for some parity with the principle applied to state government agencies and their ministers in respect to complaints involving councillors. The CMC should directly resolve such complaints.

Should you require any additional information, please do not hesitate to contact me on the above details.

Yours faithfully

[Original Signed]

Garry Storch
CHIEF EXECUTIVE OFFICER

Del
Offic
06X
Con
CMC