



Caboolture Shire Council

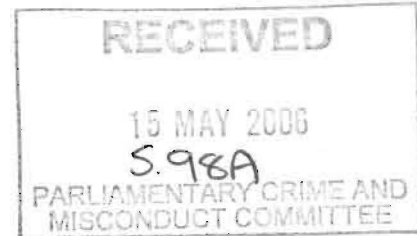
Making Lifestyle Really Count

www.caboolture.qld.gov.au

8 May 2006

Enquiries: Kelvin Tytherleigh
Direct Phone: (07) 5420 0162
Direct Fax: (07) 5420 0124
Our Ref: 151/2/4-1~P5

Mr Geoff Wilson MP
Parliamentary Crime and Misconduct Committee
Parliament House
George Street
BRISBANE QLD 4000



Dear Mr Wilson

Re: CRIME AND MISCONDUCT COMMISSION (CMC) REVIEW

Thank you for the opportunity to respond to the Parliamentary Crime and Misconduct Committee's three-year review of the *Crime and Misconduct Act 2001* and operation of the CMC. The following comments have been compiled from various levels across Council and are offered for your consideration:

Facing the Facts

The 'Facing the Facts' publication provides an excellent overview of complaints reporting and management. However, in order to enhance the document, it is recommended that this publication be reviewed, as it appears that the new Chairman has given the CMC a change of operational focus and the current publication is out of step with this direction.

Reporting requirements

The reporting requirements of the legislation are in need of urgent review. Currently agencies are required to report based on a 'mere suspicion'. It is suggested that this threshold for reporting is too low and it is recommended that the threshold for reporting be based on, at least, a 'reasonable suspicion'. In addition a more genuine attempt to discourage frivolous complaints must be made by the CMC.

The CMC's authority to investigate

Currently the legislation is interpreted to have a requirement that the CMC's approval must be given before an agency can take any action or indeed investigations are undertaken on the matter. This includes minor matters and generally the CMC are too slow to respond. It is suggested that this leads to inappropriate delays in addressing issues; affects staff performance, morale and encourages suspicion and gossip. This requirement to wait for the CMC to determine and allow an agency to investigate is even more frustrating when by the CMC's own admission 78% of complaints are returned to the agency to handle.

Covers the scope of activities for:
• CabWater
• Works



CERTIFIED QUALITY
MANAGEMENT SYSTEM
— ISO 9001 —

P.O. Box 159, (Shire Administration Centre, 2 Hasking Street) CABOOLTURE QLD 4510
email: ceo@caboolture.qld.gov.au

Telephone: (07) 5420 0100 or 1300 139 130 within Shire (cost of local call)

Facsimile: (07) 5420 0200 ABN 84 582 027 376

It is recommended that the legislation be amended to allow organisations to commence investigations without the need to have CMC approval to commence such investigations.

The requirement for confidentiality

The issue of the confidential status (or otherwise) of a complaint needs clarification. Currently it is common to read of complaints in the local media before the matter has been investigated and resolved. It is suggested that this may unnecessarily lead to a person's reputation being damaged. It is recommended that this matter be clarified and the legislation be amended to clearly state the status (confidential or otherwise) of a complaint.

Consistent approach

There appears to be an inconsistent approach in the CMC's determination as to who will investigate certain matters. It is Council's experience that serious matters have been returned to Council for self-determination while minor matters are taken up by the CMC. The CMC seems to have taken a litigious approach to its role. Efforts put into preventative and collaborative approaches seem to be dwarfed by the amount of resources that go into investigating minor matters.

Communication

Council's experience is that agencies would benefit from greater liaison with the CMC during investigations. It is recommended that the CMC increase its communication and liaison resources and efforts to ensure that agencies are kept fully informed during investigations.

Should you wish to discuss these matters in further details please do not hesitate to contact my office directly. Please also note that individual Councillors have indicated they may also provide a separate response to the Committee's request for feedback.

Yours faithfully

[Original Signed]

ROB NOBLE
CHIEF EXECUTIVE OFFICER