

Our ref: DGC11/732

Your ref: 11.1.4

- 9 JUN 2011

Mr Paul Hoolihan MP
Chairman
Parliamentary Crime and Misconduct Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Mr Hoolihan

Thank you for your letters of 20 May 2011 to Mr Graeme Newton, the former Coordinator-General and Director-General, Department of Local Government and Planning (DLGP) and to Mr Paul Low, Chief Executive Officer (CEO), DLGP about the Parliamentary Crime and Misconduct Committee's three yearly review of the Crime and Misconduct Commission (CMC). The accountable officer for DLGP is the Director-General, the other CEO title is for the head of Growth Management Queensland, a Group within DLGP.

The Department of Local Government and Planning has a strong and productive relationship with the CMC. In particular, the Department works closely with the CMC in monitoring suspected official misconduct within the Local Government portfolio and also in building capacity within Local Governments. Departmental officers are in regular contact with CMC officers and believe there is a strong rapport at officer level. The Department values the input of CMC officers in Departmental processes and policies relevant to the CMC's jurisdiction.

The Department plays a key role in supporting the Local Government Remuneration and Discipline Tribunal and the Regional Conduct Review Panels in dealing with instances of Councillor misconduct under the *Local Government Act 2009*. Whilst this is distinct from instances of Councillor official misconduct, the processes are closely intertwined in determining what amounts to possible official misconduct and what is instead possible misconduct. The Department values the role the CMC plays in this process and the expertise of CMC officers in assisting with such analysis.

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The Department has previously indicated to CMC officers that it feels that this process could be enhanced by the provision of a section 40 arrangement to the Department by the CMC. Such an arrangement would potentially reduce duplication of the handling of cases of suspected official misconduct and would permit the Department to investigate matters pursuant to its powers under the *Local Government Act 2009*, in a more timely and efficient manner.

Currently, all cases of suspected official misconduct which are notified to the Department are then referred to the CMC in accordance with section 38 of the *Crime and Misconduct Act 2001*. The CMC will then consider the matter and whether it is best dealt with by itself, the Department or a third party. Almost all matters are referred back to the Department to deal with.

It is the Department's view that duplication could be avoided by permitting the Department to deal with certain matters of official misconduct under a section 40 arrangement. This is likely to lead to little delay in investigating matters and a more streamlined process. The Department believes that both the Department and the CMC would benefit from such an arrangement as it would be a more efficient use of public resources. The Department will continue to raise this with the CMC in an endeavour to see a section 40 arrangement come to fruition.

Whilst the Department strongly values its relationship with the CMC, concern does arise from time to time regarding the response times from the CMC in providing direction to the Department in relation to the progress of ongoing investigations. There have been instances of significant delay (up to six months) in the CMC reviewing Departmental investigation reports meaning that stakeholders, such as complainants and Councillors, are unable to have matters finalised in a timely manner. This has an impact on the relationship between the Department and Local Government stakeholders and from time to time, such stakeholders query the reason for such delay. The Department will continue to work with the CMC in an attempt to reduce these timeframes and ensure matters are dealt with in an efficient manner.


Currently the CMC allocates complainants as either outcome advice only or complaints to be dealt with pursuant to the CMC's monitoring role. It is perhaps the case that more matters can be categorised as outcome advice only, thus allowing an investigation to occur in a timely manner, whilst still advising the CMC of the outcome of an investigation promptly.

The CMC plays a pivotal role in providing training to Councillors throughout Queensland and the Department values this contribution highly. The Department hopes that this strong contribution towards education in the Local Government sector continues.

I trust this information is of assistance. If your officers require any further information, they should contact Ms Bronwyn Nosse, Director, Legal Services, Department of Local Government and Planning on 3404 3469 who will be pleased to assist.

Yours sincerely



 Jack Noye
Acting Director-General
Department of Local Government and Planning