

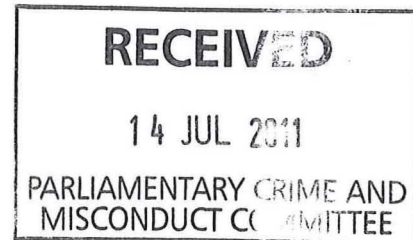


*Dedicated to a better Brisbane*

Office of the Chief Executive  
Level 23 Brisbane Square  
266 George Street Brisbane Qld 4000  
GPO Box 1434 Brisbane Qld 4001  
T 07 3403 4501 F 07 3334 0043  
[www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au)

11 July 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 letter of 20 May 2011 inviting submissions to assist in conducting your three yearly review of the Crime and Misconduct Commission (CMC).

Brisbane City Council appreciates the opportunity to provide the Committee with feedback regarding our ongoing interaction with the CMC.

### **Relationships with CMC staff**

CMC staff have always been available, helpful and up-front with Council's Ethical Standards Unit due in part to Council's frequency of contact with the CMC, both in person and via telephone calls and an established monthly liaison meeting. Of particular mention is the former Director of Integrity Services, Ms Helen Couper, who was a valued source of guidance in dealing with sensitive issues.

It is crucial that the CMC continues to develop this type of relationship with all agencies, particularly those outside of Brisbane.

### **CMC could do more to develop capacity of local governments**

Many regional local governments do not have the resources, knowledge or skills to undertake investigations. The CMC has offered advice in the form of a 'Facing the Facts' handbook however Council is aware that other regional councils require more grassroots assistance and hands-on training to assess complaints and undertake investigations.

It has been suggested to the CMC on a number of occasions that they should give serious consideration to providing on-going training to staff working in ethical standards organisations in order to enhance the capacity of the sector.

## **CMC automatically refers matters back to agencies with insufficient assessment**

This is particularly apparent with politically motivated complaints and complaints from persistent and vexatious complainants. CMC's assessment process needs to be more robust and the CMC needs to make decisions to deal directly with the complainant and if necessary, tell them that their matters do not warrant further action or a referral to the agency. By receiving the complaint and automatically referring the matter to the agency to 'deal with' simply creates unnecessary bureaucratic processes and creates unreal expectations on the part of complainants.

This is not a productive use of time when small, regional local governments are struggling with what the concept of 'deal with' actually means. There is a general view that every referral from the CMC infers that an investigation is required.

## **Devolution**

The process of devolution appears to have lost focus. This can be attributed to in part, the lack of continuity in the CMC staff who are managing this project. Agencies will lose faith and confidence in devolution if the process is allowed to continue to drag on or is progressed in the current 'stop/start' manner.

## **Coordination of the Commissions**

There continues to be a lack of communication between the various commissions (CMC, Ombudsman and Public Sector Commission). Council has seen this first hand on several occasions that when complying with the requirements of one Commission, another Commission will be dealing with the same or similar matter and there appears to be little or no coordination between the two. This has led to unwarranted criticism of Council and its officers for what is in effect complying with their legislative responsibilities.

Should you require any further information in relation to any of the comments provided please contact Mr Michael Rose, Manager Ethical Standards unit on (07) 3403 6797.

I trust that this feedback will assist the Committee in the course of its review of the CMC.

Yours sincerely



Colin Jensen  
**CHIEF EXECUTIVE OFFICER**

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