



10 December 2021

Committee Secretary
State Development and Regional Industries Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: sdric@parliament.qld.gov.au

Submission - Inquiry into the Functions of the Independent Assessor and the Performance of those functions

Dear Sir/Madam

Mackay Regional Council (Council) congratulates the Queensland State Government in identifying the opportunity for an inquiry into the functions of the Office of the Independent Assessor (OIA), especially on the back of recent public media comment.

The Terms of Reference for the inquiry are noted as –

That the State Development and Regional Industries Committee inquire into and report to the Legislative Assembly on the functions of the Independent Assessor and the performance of those functions, in particular:

- whether the performance by the Independent Assessor of the Independent Assessor's functions is consistent with the intent of the local government complaints system,***
- whether the powers and resources of the Independent Assessor are being applied in accordance with the public interest, and***
- any amendments to the Local Government Act 2009 or changes to the functions, structures or procedures of the Independent Assessor that the committee considers desirable for the more effective operation of the Independent Assessor and/or the local government complaints system.***

On 3 December 2018, the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018* took effect. Since that time and the change of reporting, Council has recorded fifteen (15) complaints that have been assessed (or are still under assessment) with the OIA. As such Council has some experience in the associated processes.

Without any set format for submissions, this submission is broken down into a number of relevant heading with the overarching Terms of Reference in mind.

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-2-

Council Assessment/Co-ordination

Being aware of suggestions by some that complaints against Councillors should revert to the previous arrangement of being initially assessed by Councils themselves (and handled by Councils for inappropriate conduct level matters), such a position of Council becoming the initial reviewer is not supported. Under the previous arrangement firstly there was the very real risk of the assessment not being correct (or at least not consistent across the State), plus decisions made under a level of pressure (leaving such decisions to the CEO/Mayor, making decisions is difficult when maintaining relationships, and especially for the CEO with a direct employment relationship with Councillors).

Anonymous Complaints

The need to provide a safe avenue for people with genuine matters to raise as complaints needs to be continued and enshrined. However, the double edged sword of such an arrangement is an opportunity to encourage a significant number of minor complaints.

Timeliness

One of the major concerns is the timeliness of the processing of complaints. Whilst the majority of complaints lodged have been minor, with relatively quick turn-arounds for decisions, Council has an example of a complaint that was lodged with the OIA in October 2020, and at the time of lodging this submission has not yet been finalised. Such occurrences are of major concern, noting the wellbeing of Councillors the subject of the complaints still hanging over their heads.

It is suggested that a timeframe framework for different levels of seriousness of complaints be developed and agreed as a type of KPI system, so all parties are aware of the expected duration.

Resource Value Assessment

Going on from the above headings, the OIA remaining as the initial point of decision on handling all complaints is still supported. However, there is a need to ensure a triage process is done promptly and making the best use of OIA professional resources. It is suggested that there is a very quick resource value assessment done to filter out the serious complaints, and anything under a certain threshold is either dismissed immediately and not considered further by the OIA, or referred back to the Council to action under an agreed framework relevant to the level of the complaint.

In particular, noting the comments regarding anonymous complaints, the decision "that taking further action at this time, would be an unjustifiable use of resources", as has been seen by Council in a number of instances, should be used promptly to close out any minor complaints.

.../3

-3-

Summary

In summary the following is noted –

- The current arrangement of the OIA being the "triage" point for all complaints is supported and should continue.
- A timeframe framework for different levels of seriousness of complaints be developed and agreed as a type of KPI system, so all parties are aware of the expected duration.
- Reporting be developed of the number of complaints processed within agreed timeframes, to help highlight any lingering complaints
- A triage process be reinforced to speed the initial decision making, and any very minor items quickly dismissed on the basis that investigation would be an unjustifiable use of resources.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Thomson', with a stylized flourish extending from the end.

Michael Thomson
Chief Executive Officer