

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

Dear Chair Mr Chris Whiting MP

Submission via email SDRIC@parliament.qld.gov.au

re: - Inquiry into functions of the Independent Assessor and the performance of those functions

Please accept this submission in regards to the Terms of Reference –

- 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.

I welcome the opportunity to make a submission in regards to the above as though there are some points of concern within the current process I have witnessed improved changes within Local Government Council's culture and workplace behaviour since the establishment of the OIA in December 2018 as a recommendation by the Solomon Review as it was found there was a need to improve fairness, effectiveness and accountability.

Points of Review

Power of the CEO

I support the change in relation to initial assessment of complaints being removed from Council Chief Executive Officers (CEO) as this places CEO's in a very difficult compromising position. I understand this places more pressure on the OIA resources however I believe that assessments are more objective and independently performed by a separate complaints body.

Mayors can have influence over CEO's and by allowing an independent body to handle complaints removes any undue political influences for certain.

Making a complaint

The complaint process is such that anyone can lodge a complaint about a Councillor's conduct (inappropriate conduct or misconduct) to the OIA. Local government officials have a statutory obligation to report councillor conduct to the OIA however: -

- however if there becomes a pattern by a complainant against others where the complaints are found to be continually frivolous or vexatious I believe the complainant needs to be held accountable as the compliant process can be used for Political smearing of others or self- gain.
- Current elected councillors can have their reputation damaged by such complaints therefore when complaints are not upheld they should not remain confidential but rather be published extremely clearly to clarify the Councillor was not in any way found guilty.
- I believe anonymous complaints should not be allowed but rather all complainants remain confidential for the necessary time period.
- There are some complaints and processes that are ambiguous and this is causing anxiety for Councillors who wish to "do the right thing" but are concerned exactly what is expected.

Time frames

Due to the lack of resources and the demands made on the OIA resources due to the number of complaints, there seems in some instances to be excessively long timeframes before complaints are finalised. The OIA should be resourced sufficiently for the body to be effective and efficient.

The State's overall objective was to: -

- hold councillors to high standards of ethical and legal behaviour which puts the public interest ahead of their own individual interests;
- deter councillors from poor behaviour or abuse of their positions of trust; and
- maintain public confidence in transparent, accountable, well-governed, efficient and effective local government

I strongly support these overall intentions and urge that any reforms only assist to build trust with the community, strengthen the complaint process, give clarification, increase efficiencies and contribute to an overall fairness to all Councillors and include providing increased resources to better assess, investigate and respond to councillor complaints.

Warm regards,

Wendy Boglary

Councillor Redland City Council

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