

Cr Adam Allan

Civic Cabinet Chair for City Planning & Suburban Renewal



Lord Mayor Adrian Schrinner

15 December 2021

Mr Chris Whiting MP
Member for Bancroft
Chair
State Development and Regional Industries Committee
Queensland Parliament
Via email: SDRIC@parliament.qld.gov.au

Dear Mr Whiting

As the Chair, Councillor Ethics Committee, Brisbane City Council (BCC), I welcome the opportunity to provide a submission to the State Development and Regional Industries Committee's *Inquiry into the function of the Independent Assessor and the performance of those functions*.

BCC operates under the City of Brisbane Act 2010, with reference to the Local Government Act for matters regarding the Office of the Independent Assessor (OIA). Comprised of 26 wards and a directly elected Lord Mayor, the Council is the only overtly party-political local government in Queensland.

Notably, there was a period whereby BCC did not fall within the remit of the OIA. In fact, upon understanding BCC would be encompassed by the OIA, advice was provided to the Department that the legislative requirement for the Assessor to refer matters of inappropriate conduct to Council was likely to be unworkable due to Council's party-political nature.

It was felt that any decision made by councillors on an alleged claim of inappropriate conduct would inevitably be met by assertions of partisanship being shown by the majority party. It was disappointing that this advice was not followed.

In an effort to mitigate the identified problems, Council sought to establish a process whereby:

- All matters of suspected inappropriate behaviour received from the OIA would be immediately referred to the Councillor Conduct Tribunal (CCT) for investigation. A recommendation of guilt/innocence and where necessary, a punishment would be expected from the CCT
- The CCT advice would be passed to BCC's newly formed bi-partisan Ethics Committee, of which the Chair is an Administration Councillor and the Deputy Chair a Labor Opposition Councillor. The intent was this would complete the process and ensure decisions would be made in a bi-partisan nature.

Regrettably, the politicisation of this process, as foreseen, has come to pass. In cases of alleged inappropriate conduct, the CCT is now only providing a recommendation of guilt/innocence. The decision as to what appropriate punishment should be made is being left to the Ethics Committee councillors.



The difficulty the Ethics Committee members now find themselves is the perception that they are 'judge, jury and executioner' in the final stage of the process. In a party-political Council, the majority party is always open to claims of partisan decision making, regardless of the party membership of the Councillor facing the allegation.

This issue was exacerbated when Labor Opposition Councillors chose to resign their committee membership this year – in effect leaving majority party Councillors having to make these decisions alone.

It is my strong recommendation, having closely observed this process, that matters of suspected inappropriate conduct be dealt with externally to Council. That is, that the OIA and CCT investigate the complaint and decide the guilt/innocence and the appropriate punishment. This approach would align itself with the process for allegations of Councillor misconduct.

Thank you again for the opportunity to provide a submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adam Allan', with a stylized flourish at the end.

Councillor Adam Allan
Civic Cabinet Chair for City Planning and Suburban Renewal
Chair, Councillor Ethics Committee
Councillor for Northgate Ward