

15 December 2021

Our Ref: AC/mr
Contact: Office of CEO

Mr Chris Whiting MP, Member for Bancroft
Chair
State Development and Regional Industries Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: sdric@parliament.qld.gov.au

Dear Mr Whiting

The following is provided for submission to the State Development and Regional Industries Committee in relation to the Inquiry into the functions of the Office of the Independent Assessor (OIA) and the performance of its functions.

It is written in the context of an organisational response to the operation of the OIA and its investigation processes.

Redland City Council (RCC) senior officers acknowledge there is a respectful and cooperative relationship with the OIA. There are, however, areas that have been identified for improvement for the Committee's consideration.

Request for information timeframes

Requests for information received from the OIA usually provide between 7-10 days for a response from Council. Contrasted with this is notification of the outcome from the OIA which can at times be many months.

Recommendation:

- Information timeframes be based on the complexity of the information sought, scope and detail of information requested.

Communication between the OIA and Councils

Notwithstanding the confidential nature of most investigations, there is little communication from the OIA during the course of what can be very lengthy investigations.

RCC has noticed that investigations into some complaints can be resolved, and notification provided, before the results of earlier complaints are finalised.

Recommendations:

- Interim updates are provided when a protracted investigation is underway.
- Greater transparency is made available to explain the triage process of investigations.

Officer time dealing with OIA matters and the process of receiving complaints

Council officer time in dealing with OIA matters typically extends through many layers of the organisation.

Seemingly simple requests for information often involve multiple officers across administration, governance, information technology, finance and senior executive officers.

As complaint numbers rise, the time spent proportionally increases.

Depending on the complexity of the investigation a senior officer could spend anywhere between 2 hours to 2 days on a complaint. Investigating officers spend between 2 to 3 hours on simple investigations and 2 to 3 days on more complex requests.

For the 2020/2021 financial year RCC responded to 34 investigations all of which were dismissed or had no further action taken.

Recommendations:

- Consideration is given to the time taken to investigate complaints.
- The process of submitting a complaint (including the types and number of complaints and available evidence) needs further attention to filter complaints likely to result in dismissal or no further action.
- Once a complaint is submitted, further rigour should be applied by the OIA regarding what constitutes an 'investigable complaint' as the system currently allows for minor/frivolous complaints to be made evidenced by the high number of 'Dismissed' or 'No Further Action' outcomes.
- More resources and rigour are applied to the complaint process with particular consideration regarding the use of the complaint process around election periods being given. RCC acknowledge this situation places an unnecessary burden on the OIA itself.
- The CEO is the primary source of employee-related contact from the OIA so that their welfare can be managed during investigations.

Conflict of interest complaints

Interpretation of the legislation pertaining to conflicts of interest and the potential for complaints to be made to the OIA is significantly impacting on all Queensland local governments.

Freedom of expression from all Councillors, often across complex policy matters, is an important part of the democratic process.

Further and ongoing consultation between the Department of State Development, Infrastructure, Local Government and Planning, Local Government Association of Queensland (LGAQ), Local Government Managers Australia Queensland (LGMA) and OIA on the matter of conflicts of interest is required.

Recommendation:

- A contemporary, and continually updated, public database of detailed examples of conflicts of interest (where they do/do not exist) is maintained by the Department of State Development, Infrastructure, Local Government and Planning on their website.

Councillor Conduct Tribunal

The Local Government principles include ethical and legal behaviour of councillors, local government employees and councillor advisors. One avenue for ensuring that this principle is upheld is via Councillor Conduct Tribunal (CCT).

Timely progress of matters and hearings is an essential part of achieving just outcomes for all.

RCC is aware of actions taking more than two years for resolution which is an unacceptable timeframe for all parties involved. The public interest is not served with delays of this nature.

Recommendation:

- Greater resources are provided to the CCT so that delays do not occur.

Local Government Knowledge

The working relationship between RCC and the OIA is very effective and cooperative however it does appear at times that members of the OIA team lack a deep knowledge and understanding of the workings and machinations of local government.

Recommendations:

- The selection criteria for employees at the OIA include experience or a well-developed understanding of the Queensland Local Government system.
- Officers from the OIA attend or view at least 3 Council meetings during induction of new OIA employees and that annual attendance at future Council or Committee meetings is built into their ongoing professional development.
- Consideration of a rotating secondment program of local government employees into the OIA to improve understanding and awareness of council operations and dynamics.

Thank you for the opportunity to provide an officer comment on the Independent Assessor's functions and performance.

Yours sincerely



Andrew Chesterman
Chief Executive Officer
Redland City Council