

Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023

Submission No: 2
Submitted by: Crime and Corruption Commission
Publication:
Attachments:
Submitter Comments:

GPO Box 3123
Brisbane QLD 4001

Level 2
North Tower Green Square
515 St Pauls Terrace
Fortitude Valley QLD 4006

Tel.: **07 3360 6060**
Toll-free: 1800 051 611
(in Queensland outside
Brisbane)

Fax: 07 3360 6333

mailbox@ccc.qld.gov.au
www.ccc.qld.gov.au

ABN 32 164 714 360

Our Reference: AD-23-0776 23/159666

29 September 2023

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

Via email: SDRIC@parliament.qld.gov.au

Dear Committee

RE: Call for Submissions - Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023

The Crime and Corruption Commission (CCC) appreciates the opportunity to make a submission on the *Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023* (the Bill).

The CCC has considered the Bill and has engaged with the Office of the Independent Assessor who we understand is making a submission. The CCC's submission is confined to those matters which intersect with our work and is outlined below for the Committee's consideration.

1. Councillors who vacate office

The CCC submits the timeframe for progressing matters against former councillors in section 150M(1)(c) of the Bill should be increased. There are several reasons as to why a timeframe longer than 12 months, or potentially no timeframe at all, would be preferable and support the integrity of local government elections.

First, an increase to the timeframe would align with the policy objectives that underpin recent amendments put forward in the *Integrity and Other Legislation Amendment Bill 2023* (Integrity Bill) regarding a prohibition on registered lobbyists performing a substantial and senior role in a Queensland state election campaign, for a political party (dual hatting). Specifically, a timeframe of 2 years is introduced in the Integrity Bill to adequately safeguard the integrity of a full election cycle. The CCC considers the same timeframe, if not longer, should apply to conduct matters being considered by the Independent Assessor.

Second, extending the timeframe would also provide the Councillor Conduct Tribunal (CCT) a greater opportunity to progress and decide conduct matters currently before it. This would ensure more matters could be finalised and provide greater transparency to any future election cycles in regard to a former councillor's prior conduct.

Finally, the CCC submits there is no clear policy reason supporting the application of a timeframe on the progression of conduct matters against former councillors. The CCC acknowledges the benefit of matters being decided in a timely manner, however, notes that it is open to the Independent Assessor and the CCT to make decisions as to what is a justifiable use of resources once a councillor no longer holds office. There is substantial benefit in conduct matters being able to progress to finalisation to ensure that misconduct, or indeed corrupt conduct, comes to light and the public can be adequately informed of matters relevant to electors' decisions on who they may be electing to represent their interests.

2. Transitional provisions – application to matters involving suspected corrupt conduct

Section 350 of the Bill provides that particular matters before the CCT must be withdrawn by the Independent Assessor. The CCC is concerned that, as there is no express carve out for matters that involve suspected corrupt conduct, this will result in the discontinuance of those matters.

The CCC considers this is not a suitable outcome. As with the submission regarding the effect of timeframe limitations on the progression of matters against former councillors, requiring the withdrawal of matters from the CCT would potentially result in corrupt conduct findings not being made that otherwise would have been. A secondary outcome is that these findings are not made public. This would have an adverse impact on the transparency of local government and the ability of the public to be suitably informed about matters relevant to a local government election.

Additionally, it denies councillors (former or current) from having allegations of misconduct or corrupt conduct dealt with conclusively. The CCC acknowledges the significant personal toll that being subject to allegations of corrupt conduct can have on the subject councillor and notes, particularly where matters may have already become subject to public scrutiny, the inability for a councillor to clear their name could contribute to the detrimental effects of being subject to a complaints process.

If the intention is for matters that are withdrawn that involve alleged corrupt conduct being referred back to the CCC, the CCC submits this would only add further disruption to the complaints process and likely significantly increase timeframes before subject councillors receive outcomes of complaints or notifications against them. This would not be a satisfactory option for the public or the councillor involved.

If you have any queries regarding the CCC's feedback, please do not hesitate to contact my office.

Yours sincerely,



Bruce Barbour
Chairperson