

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

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Submitter Comments:



TORRES SHIRE COUNCIL

*To lead, provide & facilitate a sustainable,
safe & culturally vibrant community*

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3 October 2023

State Development and Regional Industries Committee

Queensland Parliament

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

Torres Shire Council (hereafter referred to as "Council") is pleased to submit to the Committee the following regarding the above Bill.

Background

The Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023 was introduced into the Queensland Parliament on 13 September 2023. The Bill has been referred to the State Development and Regional Industries Committee for consideration and report by 27 October 2023.

The purpose of the Bill is to implement the Queensland Government's policy in relation to certain recommendations of the State Development and Regional Industries Committee in its Report No. 28 of the 57th Parliament 'Inquiry into the Independent Assessor and councillor conduct complaints system'. Specifically, the Bill aims to:

- make further changes to the councillor conduct complaints system, including limiting the system's application in relation to former councillors to those persons suspected of corrupt conduct;
- further clarify and enhance the councillor conflict of interest requirements;
- modernise local government advertising requirements;
- provide a discretion to the Electoral Commission of Queensland in relation to the recovery of local government election costs;
- make consequential amendments resulting from the change of classification for Moreton Bay Regional Council to Moreton Bay City Council;
- provide appropriate transitional arrangements for commencement of the improved councillor conduct complaints system;
- make a minor amendment to the Queen's Wharf Brisbane Act 2016 to facilitate the redevelopment of the QWB precinct by inserting a new process for creating freehold grants in respect of identified Queen's Wharf development parcels, which avoids the need for subordinate legislation.

The committee has invited submissions addressing any aspect of the Bill from all interested parties.

The closing date for written submissions is Tuesday, 3 October 2023 at 12pm.

Discussion

As Councillors have been subject to the operations of the complaints system and thus has lived experience of the system, Council submits the following:

- Council is concerned about the proposal to publish the contents of investigation reports. Whilst the motivation behind this proposal is from a transparency perspective, Council is concerned about how this requirement might work in practise. Council believes that the ability to keep aspects of the report confidential do not extend widely enough in our view (including, for example, to material that may be commercial-in-confidence to Council).
- Council supports the proposal regarding preliminary assessments and vexatious applicants and hopes that such proposal may help address some of the issues that have been experienced in the course of OIA investigations where both the OIA and the Tribunal have subsequently dismissed the allegations; and
- So far as this proposal is concerned, Council seeks that the OIA be required to examine evidence from a higher bar than has thus far applied (in our experience) where unsubstantiated referrals by aggrieved elected members, who are not themselves experts, are nevertheless referred onto the Tribunal and subsequently flounder on the more exacting examination of the Tribunal.
- Council is committed to transparency and public accountability but does not believe that its elected members should be subjected to onerous undertakings absorbing a great deal of Council's finite resources over many years regarding what transpires to be unsubstantiated grievances perpetrated upon them. An early excision of unsubstantiated referrals through a higher dispassionate investigative bar adopted by the OIA in its initial examination would be a much-appreciated advance.
- Council is possessed of information that, on its face, challenges the independence of at least one senior OIA Investigator that it is prepared to share on a confidential basis with the Committee.

Should you require any further information, please contact the Chief Executive Officer via email: [REDACTED] or mobile [REDACTED].

Yours faithfully,

[REDACTED]

DALASSA YORKSTON
CHIEF EXECUTIVE OFFICER