




Speech By
Jim Madden

MEMBER FOR IPSWICH WEST

Record of Proceedings, 23 February 2023

STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE: REPORT, MOTION TO TAKE NOTE

 **Mr MADDEN** (Ipswich West—ALP) (3.46 pm): On 14 October 2022 the State Development and Regional Industries Committee tabled its report titled *Inquiry into the Independent Assessor and councillor conduct complaints system*. The committee's task was to consider the functions of the Office of the Independent Assessor and the performance of those functions and identify any amendments desirable for the more effective operation of the local government complaints system in Queensland.

On 27 October 2021 the committee resolved to conduct an inquiry into the functions of the Office of the Independent Assessor and the performance of those functions including: firstly, the performance by the Independent Assessor of the Independent Assessor's functions and whether it is consistent with the intent of the local government complaints system; secondly, whether the powers and resources of the Independent Assessor are being applied in accordance with the public interest; and, thirdly, any amendments to the Local Government Act 2009 or changes to the functions, structures or procedures of the Independent Assessor considered desirable for the more effective operation of the Independent Assessor and/or the local government complaints system.

The Office of the Independent Assessor has jurisdiction over the assessment of all complaints made against local government councillors in Queensland. The Office of the Independent Assessor undertakes the initial assessment of all complaints about councillor conduct in Queensland. It investigates misconduct complaints about mayors and councillors and where appropriate prepares applications for hearing by the independent Councillor Conduct Tribunal which decides misconduct matters. Previously, complaints about councillor conduct were assessed by the council's CEO or the chief executive of the department of local government. In 2016 the Queensland government initiated an independent review of the councillor complaints process. The *Councillor complaints review: a fair, effective and efficient framework* report recommended reform.

The Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018 established the Office of the Independent Assessor to investigate and assess councillor complaints, ensuring the process remained transparent and accountable. The Independent Assessor reports directly to the Minister for Local Government. The amended Local Government Act 2009 states that the Independent Assessor is not subject to direction by another person in regard to exercising its powers.

The committee also considered the operations of the Councillor Conduct Tribunal. The Councillor Conduct Tribunal was established under the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018. The tribunal is an independent body made up of six members and a president appointed by the Governor in Council. It is responsible for dealing with complaints of misconduct by councillors. The Department of State Development, Infrastructure, Local Government and Planning provides administrative and secretariat assistance to the tribunal to enable it to effectively perform its responsibilities.

The functions of the tribunal are: firstly, to hear and decide complaints of misconduct by the councillors as referred to it by the Office of the Independent Assessor; secondly, to investigate the suspected inappropriate conduct by a councillor referred to the local government by the assessor to be dealt with by local government; and thirdly, to make recommendations to the local government about dealing with the conduct. After conducting a hearing the tribunal must decide whether or not the councillor has engaged in misconduct. If the tribunal decides the councillor has engaged in misconduct, the tribunal must then decide what action should be taken by way of discipline against the councillor.

The committee found that the councillor complaints system was broadly sound but improvement was needed; specifically, the system needs to more closely and efficiently align with the intent of the legislation and public interest. Although much of the attention of the investigation was focused on the Office of the Independent Assessor, the complaints system is made up of several independent bodies. The committee found that each body can improve its processes in order to have a better functioning councillor complaints system. The committee made 40 recommendations and I support those recommendations.