




Speech By
Jim Madden

MEMBER FOR IPSWICH WEST

Record of Proceedings, 30 March 2023

STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Report, Motion to Take Note

 **Mr MADDEN** (Ipswich West—ALP) (3.08 pm): On 14 October 2022 the chair of the State Development and Regional Industries Committee, Chris Whiting, tabled report No. 28, 57th Parliament, *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 a more effective operation of the local government complaints system.

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: the performance of the Independent Assessor's functions and whether it is consistent with the intent of the local government complaints system; whether the powers and resources of the Independent Assessor are being applied in accordance with the public interest; and 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 complaints made against local government councillors in Queensland. 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 misconduct were assessed by the council's CEO or the chief executive officer of the department of local government.

The Queensland government initiated an independent review of the complaints process in 2016, resulting in the *Councillor complaints review: A fair, effective and efficient framework* recommending 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 remains 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 any person in regard to exercising its powers.

The committee also considered the operations of the Councillor Conduct Tribunal. The Councillor Conduct Tribunal has been 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 councillors as referred to it by the Office of the Independent Assessor; secondly, to investigate the suspected inappropriate conduct of a councillor referred to the local government by the assessor and to be dealt with by the local government; and, thirdly, to make recommendations to the local government about dealing with conduct issues. After conducting a hearing, the tribunal must decide whether or not a councillor has engaged in misconduct. If the tribunal decides the councillor has engaged in misconduct, the tribunal must then decide what action to take to discipline the councillor.

Queensland's councillors fulfil a fundamental role in their communities, providing leadership and delivering services worth billions of dollars. Queenslanders expect their elected officials to be accountable, and the independent councillor complaints system is key in providing this accountability and fostering integrity in the sector.

The committee found that the system is broadly sound but improvement is needed. Specifically, the system needs to be more closely and efficiently aligned with the intent of the legislation and public interest. Although much of the attention of the committee 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 contribute to a better functioning councillor complaints system. The committee made 40 recommendations to adjust and refocus that framework with the goal of achieving a simpler, streamlined and fairer system for all. With its review, the committee's focus increasingly moved to issues concerning the Councillor Conduct Tribunal.