



# ***ECONOMICS AND GOVERNANCE COMMITTEE***

**Members present:**

Mr LP Power MP (Chair)  
Ms NA Boyd MP  
Mr ST O'Connor MP  
Mr DG Purdie MP  
Ms KE Richards MP  
Mr RA Stevens MP

**Staff present:**

Ms T Struber (Acting Committee Secretary)  
Ms M Salisbury (Assistant Committee Secretary)

## **PUBLIC BRIEFING—INQUIRY INTO THE LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER LEGISLATION AMENDMENT BILL 2018**

### **TRANSCRIPT OF PROCEEDINGS**

**MONDAY, 5 MARCH 2018**

**Brisbane**

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### **The committee met at 12.09 pm.**

**CHAIR:** I declare open this public briefing for the committee's inquiry into the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018. I would like to acknowledge the traditional owners of the land on which we meet. My name is Linus Power; I am the member for Logan and chair of the committee. With me here today are: Ray Stevens, the deputy chair and member for Mermaid Beach; Nikki Boyd, the member for Pine Rivers; Sam O'Connor, the member for Bonney; Kim Richards, the member for Redlands; and Dan Purdie, the member for Ninderry.

On 15 February 2018 the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs, the Hon. Stirling Hinchliffe MP, introduced the bill to parliament. Parliament referred the bill to the Economics and Governance Committee for examination with a reporting date of 9 April 2018. The purpose of the briefing this afternoon is to assist the committee with its examination of the bill.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All of those present should note that it is possible you may be filmed or photographed during the proceedings. I would also ask all those present to turn off mobile phones. Only the committee and invited officials may participate in the proceedings. As these are parliamentary proceedings under the standing orders, any person may be excluded at my discretion or by order of the committee. I remind committee members that officers of the department are here to provide factual or technical information. Any questions about government or opposition policy should be directed to the responsible minister or shadow minister or left to debate on the floor of the House.

I will now hear from representatives of the Department of Local Government, Racing and Multicultural Affairs who have been invited to brief the committee on the bill.

**BLAGOEV, Ms Bronwyn, Acting Deputy Director-General, Local Government and Regional Services, Department of Local Government, Racing and Multicultural Affairs**

**DUNNE, Mr Tim, Manager, Governance, Department of Local Government, Racing and Multicultural Affairs**

**HAWTHORNE, Ms Josie, Acting Director, Legislation Services, Department of Local Government, Racing and Multicultural Affairs**

**CHAIR:** Good afternoon. I invite you to make an opening statement to brief the committee, after which the committee will have some questions for you.

**Ms Blagoev:** I thank the committee for the opportunity to brief the committee on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018. The bill amends the Local Government Act to implement the government's response to the independent panel's report entitled *Councillor complaints review: a fair, effective and efficient framework*. That report outlines 60 recommendations. The government supports, supports in principle or partially supports, 50 of those 60 recommendations. The bill is actually quite a lengthy bill so I propose to take the committee through the highlights and key points in the bill. I am happy to take any questions as we go.

Currently the Local Government Act describes how complaints against councillors are dealt with. The act currently states that complaints are assessed by either the director-general of the department or the CEO of the relevant council. As can you imagine, having the CEO of a council do a preliminary assessment of complaints about councillors does place CEOs in a very difficult position.

A key component of the bill is to establish the office of the independent assessor with an independent assessor. That person will do a preliminary assessment of the complaints, thus taking this role out of the hands of the director-general and the CEO. The independent assessor is not

subject to direction in terms of how they carry out their role and the priorities that they give to each of the complaints. An investigation may arise from a complaint that is referred to the independent assessor. For example, a mayor, a CEO, the director-general of the department or even a member of the public may refer a complaint directly to the independent assessor. Similarly, the independent assessor may pick up on something in the media and seek to carry out an investigation as a result of those media reports, provided they believe that it is in the public interest to do so.

The independent assessor is also the public official who is responsible for dealing with corrupt conduct; for example, notifying suspected corrupt conduct to the CCC or investigating suspected corrupt conduct when that is referred back to the independent assessor by the CCC. One thing I wanted to stress was that public officials such as the director-general of the department still have obligations to notify the CCC of suspected corrupt conduct, so nothing in this bill takes away that obligation.

The independent assessor will have powers to investigate and deal with complaints about councillors and also to prosecute certain complaints under the Local Government Act. The powers held by the independent assessor will include: the power to enter places, either under a warrant or by consent; the power to seize evidence as part of that entry; and the power to require an individual to attend a meeting and answer questions.

After investigating the conduct of a councillor the independent assessor may decide to do nothing. It may decide to dismiss the complaint. The independent assessor may decide to refer suspected inappropriate conduct back to the council to deal with, or the independent assessor may also make an application to the Councillor Conduct Tribunal to hear a matter about what we call misconduct. The bill refers to this concept of inappropriate conduct, and the bill does very much carry on the definition that is currently in the Local Government Act around inappropriate conduct. It is basically conduct that is not appropriate for an elected official but which does not quite hit the threshold for misconduct. For example, a councillor may not comply with a council policy or procedure. The bill contemplates that it is the local government that will deal with these complaints of inappropriate conduct.

The bill also builds in certain procedural requirements which must be adhered to. For example, the independent assessor must notify the accused councillor before they propose to return something to the council to deal with and provide the councillor with an opportunity to respond. A referral notice must also be sent from the independent assessor to the council which details the details of the conduct, the complaint received, any factual background the independent assessor has and also why the independent assessor believes that this amounts to inappropriate conduct and thus should be sent to the council.

Importantly, the independent assessor may also provide a recommendation to the council on how the council deals with this complaint. It may, for example, say that the council may wish to consider referring it to a third party to deal with or that the council may need further information before it makes an assessment. The independent assessor may also say to the council that perhaps this should be dealt with by mediation, so there is great discretion under the bill in terms of how the independent assessor goes back to the council for these complaints and the recommendations that may be made.

I suppose the question is: what happens once these complaints are referred back to the council? How does the council then deal with these complaints? The bill requires a local government to adopt by resolution what is termed under the bill an investigation policy, which talks about how council is to investigate these sorts of matters. The investigation policy must include a procedure for investigating the suspected inappropriate conduct and state the circumstances under which another entity may investigate these matters. For example, the policy may allow the council to refer the matter to the Local Government Conduct Tribunal to allow that body to investigate the complaint and provide certain recommendations back to the council. The local government's investigation policy must be consistent with the principles of natural justice and require notice to be given to complainants about the outcomes of complaints.

The Local Government Act defines misconduct already quite extensively in section 176 and the bill maintains that definition. It contemplates that the independent assessor may make an application to the Councillor Conduct Tribunal to hear complaints about misconduct. If it is misconduct it goes to the tribunal; it does not go back to the council. Currently complaints about misconduct are heard by either one of two bodies: a regional conduct review panel or a tribunal, depending on the severity. Obviously, if it is more severe it goes to the tribunal. The Councillor Conduct Tribunal would replace both of those bodies with one body, which will give rise to more consistency in terms of

decisions and further streamline the process. The functions of that tribunal would include, obviously, investigating complaints about councillor misconduct but may also include investigating inappropriate conduct if the council asks it to do so.

Currently decisions of the regional conduct review panel or the tribunals cannot be appealed by a councillor. The bill, however, provides review rights for decisions about misconduct. If the Councillor Conduct Tribunal makes a decision, that decision may be appealed to QCAT. That is a key difference in this bill. It provides councillors with a review mechanism.

Currently the Local Government Remuneration and Discipline Tribunal not only deals with complaints about councillors but also deals with councillor remuneration. Matters relating to councillor remuneration will now be decided by a new local government remuneration commission. Members of the tribunal and that commission will be appointed by the Governor-in-Council. Currently, whilst some councils do have councillor codes of conduct, it is not mandatory for councils to have that. The bill changes that by making it a requirement for the minister to make a uniform and consistent councillor code of conduct. Councillors will be bound by the one code of conduct. That is approved by regulation, and the code of conduct will set clear and consistent standards of behaviour for our councillors. The code of conduct will be developed by the department in consultation with the Local Government Liaison Group. The Local Government Liaison Group has been appointed. It has had its first meeting already and it consists of membership of the Local Government Association of Queensland, Local Government Managers Association, the department, the CCC and the Ombudsman. The Queensland Integrity Commissioner is also a member. The independent assessor, once they are appointed, will also be a member of that group. That group will advise the government on the implementation and ongoing operation of the new councillor complaint system.

One new component that the bill provides for is what is called unsuitable meeting conduct. This is a new concept. It is not currently in the Local Government Act. This is really conduct of a councillor during a local government meeting that contravenes the behavioural standards, so something set out in the code of conduct. The idea behind this is that it tends to be your low-level matters. It may be disorderly behaviour in a meeting. The idea for this is to allow for a council to deal with these matters quickly. The chair is responsible for dealing with these matters during the meeting. Under the current system these meeting breaches could be considered as inappropriate conduct or misconduct and then go into the full-blown system to be heard by various entities, depending on how it has been classified. The idea of this is to set a new concept which allows the chair of a meeting to handle it very, very quickly. One thing to also note is that repeated unsuitable meeting conduct or noncompliance with an order of the chairperson may then become inappropriate conduct.

The bill provides for a number of administrative and governance matters. One of those is that it allows the department's chief executive to make model procedures for how the conduct of meetings of a local government and its committees is to be handled. Local governments can either adopt the model meeting procedure or make their own meeting procedures, provided they are not inconsistent with what the state has put forward as a model. Local governments must also keep an up-to-date councillor conduct register that contains information about particular orders and decisions relating to their councillors.

To further advance the concept of transparency and accountability, the independent assessor must also provide an annual written report to the minister about the operations of the independent assessor. Importantly, the bill also provides for strengthened offences to support the new councillor complaints system, notably, new offences to provide protection from reprisal for local government employees and councillors who make complaints about councillor conduct. It also has increased penalties which will apply to discourage frivolous complaints being made. Finally, the bill also provides for necessary transitional provisions—what to do with a complaint that has been made but not yet processed under the old system.

The new legislative and policy framework for dealing with councillor complaints will apply to all councils except Brisbane City Council. Brisbane City Council has its own system currently under the City of Brisbane Act. It is important to note that the bill only seeks to amend the Local Government Act. I am happy to take any questions from the committee.

**Mr STEVENS:** I am very fond of my local government history so I am very interested in relation to—

**CHAIR:** I did notice you paid particular attention to the unsuitable meeting conduct section.

**Mr STEVENS:** That is correct. I had quite a few. I had books thrown and everything. My first question is: who was the independent review panel, which has made 60 recommendations and yet you have adopted only 50? Can you highlight the 10 that were deemed unsuitable by this certain group of independent reviewers, please?

**Mr Dunne:** The panel members were Dr David Solomon, the former integrity commissioner; Noel Playford, the former mayor of Noosa, who was the Local Government Association of Queensland's member; and Gary Keller, the former CEO of Logan City Council, who was the representative from Local Government Managers Australia.

**Mr STEVENS:** What were the 10 recommendations that were not adopted?

**Ms Blagoev:** There were eight recommendations not endorsed and two that are still under consideration. If you are happy I can read out the 10.

**Mr STEVENS:** If you would not mind, thank you.

**Ms Blagoev:** The eight recommendations not supported by the government are recommendation 4.9, 'The independent assessor be given the same powers as an investigator is given in section 214 of the Local Government Act'; recommendation 5.11, 'Councillors against whom a complaint of inappropriate conduct has been upheld may not participate in council or committee meetings until any disciplinary order imposed has been paid or otherwise discharged'. For example, if there is an order that a councillor pay \$500 to the council, they cannot return and participate in council meetings until that money has been paid.

**Mr STEVENS:** You did not adopt that. Why was that not adopted?

**Ms Blagoev:** It seems excessive compared to the degree of noncompliance. Having a councillor not attend a council meeting is quite significant because it means the ratepayers in that division are not given a voice, so it was all about whether or not it was deemed to be excessive compared with the degree of noncompliance.

**Mr STEVENS:** It is also a fairly strong incentive for the member to pay his due and payable fine, is it not?

**Mr Dunne:** If I can give an example, I have just completed counselling a particular local government councillor. It was an order of the panel that I do six months worth of counselling with that councillor to improve their conduct. Obviously, that would then mean that councillor could not sit in a council meeting for six months. That was seen as quite a large penalty for what might be a very minor thing.

**Mr STEVENS:** What were the other recommendations?

**Ms Blagoev:** Recommendation 5.12(1): that section 153 of the Local Government Act be amended to disqualify for four years a person who as a result of the failure to comply with an order of the council following a finding of inappropriate conduct has ceased to be a councillor as a result of the councillor's office becoming vacant because the councillor is absent for two or more consecutive ordinary meetings. The government did not support that because, again, disqualification for certain offences seemed a little bit excessive compared to the noncompliance.

Recommendation 6.5: 'A councillor who is the subject of an order by the Councillor Conduct Tribunal in relation to a misconduct finding may not attend a council meeting until such time as the councillor has complied fully with the order.' This is similar to what Tim was saying in relation to inappropriate conduct. Recommendation 6.6: 'Section 153 of the Local Government Act be amended to disqualify for seven years a person who, as a result of their failure to comply with an order of the tribunal following a finding of misconduct, has ceased to be a councillor.' Again, disqualification is the ultimate in terms of penalty.

Recommendation 9.2: section 171(1) of the Local Government Act be amended to remove reference to 'a councillor must not use the information that was acquired as councillor to cause detriment to the Local Government Act'. That is the wording of a section 171 offence. The government did not support that because it would remove the offence; that is, a councillor must not use privileged information to cause detriment to a local government. We felt it was important to keep that as an offence under the Local Government Act.

Recommendation 9.3: 'The definition of misconduct in section 176(3)(b) of the Local Government Act be amended to include "cause financial detriment to the local government".' The government did not support that recommendation because a councillor using privileged information to cause detriment to the local government is a serious matter and should be an offence as such rather than a misconduct matter.

**Mr STEVENS:** It was in relation to punitive recommendations that the government accepted.

**Ms Blagoev:** Very much so. There are two recommendations under consideration: recommendation 8.1, that the Local Government Act be amended to provide that during the local government caretaker provision period before an election it is an offence for a person who has made

a complaint alleging inappropriate conduct, misconduct or corrupt conduct to disclose information that the complaint has been made—that was in relation to the spike of complaints that occurred just before an election—and recommendation 12.11, that the publication of information about new councillor complaints should be suspended during the caretaker period before a council election. Again, that relates to the publication of those complaints just leading up to a council election.

**Mr STEVENS:** They are under consideration? Okay. The office of the assessor—I take it that is a government funded position rather than council. Is there any costing on the office that would be involved with that?

**Ms Blagoev:** The costing is still being determined. I say that because it is going to form part of the department's budget bid for the 2018-19 financial year, so we are literally still going through the process of determining the costings. Some support will be provided by the department in an attempt to limit the costs where appropriate.

**Mr Dunne:** I think Bronwyn missed one of the recommendations, which was 9.1—this was one the government did not accept—which said that the independent assessor and the Councillor Conduct Tribunal could make referrals to the department to prosecute particular councillors. The government did not accept that because they thought the independent assessor, as the lead investigator of those complaints, would be in a better position to do the prosecution than the department.

**Ms RICHARDS:** Thank you for presenting to us today. The councillor complaints report recommended that the full council rather than the mayor determine the issue of inappropriate conduct and set any penalties. Could you explain why the bill provides that the power to deal with the inappropriate conduct be delegated to the mayor and not the full council?

**Ms Blagoev:** There may be some circumstances in which it is not appropriate for the full council to decide a complaint of inappropriate conduct; for example, if we have a complaint that involves multiple councillors or we have a complaint made by one councillor against another councillor. It is really important that the bill provides for that ability to delegate it just because in some circumstances the full council cannot make a decision.

**Ms RICHARDS:** I wonder if another framework has been established. In relation to those points you raise it could be similarly said there is the determination of one individual versus a collective that might have input. Was there any other consideration of maybe setting up an impartial subcommittee or subgroup that could make that determination rather than placing it on any one individual?

**Mr Dunne:** The delegation is discretionary. It does allow a delegation to a special committee, like a standing committee of council. A council could set up an ethics committee or something like that to deal with the complaints. It also allows them, as Bronwyn talked about earlier, external referrals, so getting, say, the Councillor Conduct Tribunal to come in and review a complaint and make recommendations and things like that, to look outside themselves where multiple members of the council may be affected by a complaint. It allows that flexibility and for the independent assessor to make that recommendation that this should go outside council for consideration.

**Ms RICHARDS:** That could be triggered by—

**Mr Dunne:**—the independent assessor.

**Ms RICHARDS:**—the independent assessor suggesting that—

**Mr Dunne:**—this is not one that the council should be dealing with.

**Ms Blagoev:** That may be particularly important for the small councils as well. We may say that some of the small councils do refer matters externally a bit more than the bigger councils.

**Mr O'CONNOR:** I want to know about your threshold or definition of a vexatious complaint. I note that you have applied a penalty if someone does make one. How do you define that and what level would you call it? Is there anything to prevent, say, someone making a complaint about a councillor and leaking that straight to the media? That in itself is a political tool because then there is a cloud over that councillor; they can say they are under investigation. Is there anything to prevent that? If someone does make a complaint, are they allowed to publicise it?

**Ms Blagoev:** I will deal with the second issue. It is very difficult to curtail a member of the public in particular in terms of what information they provide out in the public. A member of the public could well make a complaint and then contact their local journalist and say, 'Hey, I've got this information. Here you go.' It is very difficult for the state to seek to curtail members of the public in particular on that point.

In terms of what is a vexatious complaint, the independent assessor does have the ability to knock out a vexatious complaint. In my experience that does tend to be somewhat discretionary. There is no threshold that says, 'Hey, this person has now made 20 complaints. You've now hit the threshold.' It will be a matter for the independent assessor to make an independent decision on that. It will not be a decision of the state. It will come down to what the independent assessor sees as frivolous or vexatious, depending on the particular complainant and the facts. Sometimes you can see complaints that have a slight variation on a theme. Every so often the variation may actually give you some really important information that comes through. It will be important for the independent assessor to use their own judgement in terms of when something is vexatious.

**Mr O'CONNOR:** What is there to stop this becoming a political tool against a councillor through the process? Is that the only provision you have, the vexatious—

**Ms Blagoev:** There are other offence provisions.

**CHAIR:** Is your concern that now that it has been referred to the independent assessor it has greater perceived weight?

**Mr O'CONNOR:** Yes. It is another thing you can use to put a cloud over someone. That in itself can be as bad as—

**Ms Blagoev:** We do have certain offences in there. For example, section 150AU refers to 'frivolous' and it says—

The person must not make the same or substantially the same complaint to the assessor again, unless the person has a reasonable excuse.

There is an 85-penalty-unit offence for that one. Similarly, section 150AV talks about improper complaints. It says—

A person must not—

- (a) make a complaint about the conduct of a councillor to the assessor—
  - (i) vexatiously; or
  - (ii) not in good faith; or

...

- (b) counsel or procure another person to—

do that. Again, the maximum penalty is 85 penalty units. These are offences that I foresee the independent assessor would seek to prosecute. Again, it does come back to what the independent assessor sees as improper or vexatious as to whether or not they will exercise a discretion to prosecute these offences. The fact that there are 85 penalty units attached to each of them does show the government's focus on ensuring that we do not just see complaint after complaint after complaint—

**Mr O'CONNOR:** It is enough of a deterrent?

**Ms Blagoev:**—for improper purposes. It should be.

**Mr Dunne:** The other one was the two recommendations that are currently under review, which is about investigating the release of complaint information during election caretaker periods and things like that. The other one is that the bill provides the independent assessor might give notices to parties to a complaint about the need to keep confidentiality because it might compromise the investigation or release facts to witnesses.

**Mr O'CONNOR:** But it is still their decision to release it if they want?

**Mr Dunne:** No. Then it is an offence. If you breach a confidentiality notice—if the independent assessor goes to the complainant and says, 'I want you to keep this confidential while I'm investigating,' it would be an offence, again with a penalty of 85 penalty units, if the person breached that notice of confidentiality.

**CHAIR:** Not to ascribe to any of their intent, you could go to the local media and say, 'I intend to make a complaint to the independent assessor and I am lodging it this afternoon,' and not be subject to those directions?

**Mr Dunne:** Yes.

**Mr STEVENS:** Further to that, I do notice that the independent assessor is to take on board anonymous complaints. How does he go back to an anonymous person and say, 'Hey, you have to sign this confidentiality agreement'? What is the reasoning behind accepting anonymous complaints?

**Ms Blagoev:** We did consider that issue. It was raised during the policy stage of the bill. Ultimately, every so often you might get an anonymous complaint that has a very important piece of information in it. We did not want to rule out anonymous complaints, but I do take your point in terms of the complexities that can arise. Ultimately, government did not want to rule out the making of anonymous complaints for fear of knocking out something very important.

**Mr STEVENS:** How will the assessor address anonymous complaints? That is the issue I have. I could ring up and say basically anything on an anonymous basis.

**CHAIR:** Just on that basis, presumably then they are not in the public domain until the assessor makes that judgement, so it is not used in that way.

**Mr Dunne:** The problem with an anonymous complaint is that the independent assessor has no-one to go to in order to get any further particulars to assist in that investigation. If there is not enough information, the independent assessor just stops and that is the end of the investigation unless they can get that extra information. In anonymous complaints that is going to be the case; they are just not going to be able to go any further in a lot of those cases.

**Ms RICHARDS:** With regard to the policy, going back to holding councillors to a consistent standard of integrity and the way they proceed, will there be a standard in terms of what people could expect a policy to look like, what it should include, a minimum set of standards within that policy, particularly as it might relate to the time frames for investigation on varying matters and whether it is the time frame for investigation? At the moment the bill does not appear to outline a time frame in which the local government has to investigate an allegation of inappropriate behaviour.

**Ms Blagoev:** Just picking up on the timing issue, you are correct; the bill does not say a local government must assess a complaint within 14 days or anything like that. That reflects the fact that every single complaint is so different that we really could not put a time frame on it. When a matter goes back to the council from the independent assessor, they could make a recommendation that the council finalise its investigation within a reasonable period. That is really the only trigger for the independent assessor to be able to provide some sort of recommendation in that regard.

In terms of the investigations policy, the department will assist with an example investigation policy, for example. Unlike the code of conduct, it will be up to each individual council to resolve to pass their own investigations policy.

**Ms RICHARDS:** Just on the time frame, it appears that, in absence of every issue being slightly different and timings being different, it really does leave a vacuum that potentially could see matters drag on for a period of time. What is the trigger then to come back and deal with a council not addressing the issue in a prompt and timely manner?

**Ms Blagoev:** If someone is concerned that council has not exercised those powers in a prompt manner, their avenue would be the Ombudsman, because it is an administrative decision of the council. There is the ability for someone to speak to the Ombudsman about that. I guess the intention of the bill is by classifying things. For example with unsuitable meeting conduct, you already take out a whole stack of complaints that can be assessed and dealt with right on the spot. Again, by having councils do inappropriate conduct and the tribunal deal with misconduct and the CCC deal with corrupt conduct, you are kind of having complaints go to a few different entities rather than at the moment where it is the regional conduct review panels and the tribunals that seem to be dealing with a lot. Hopefully, the new system itself should streamline and make the process quicker.

**Ms BOYD:** Thank you for the briefing today. My question picks up on a comment you made in your preliminary briefing, Bronwyn, around the independent assessor's ability to—I want to say self-initiate work, but I do not think that is the right terminology. You made reference to something being raised in the media and the independent assessor then being able to pick that up and carry it on further as a body of work. My mind automatically went to the CCC's Operation Belcarra, where they self-initiated a body of work based on the happenings of the last local government election period. What scope does the independent assessor have to self-initiate work?

**Ms Blagoev:** The only requirement is that it is in the public interest to do so. The bill does not provide any criteria, and I think by the nature of it you need to provide the independent assessor with that degree of flexibility to pick up on something. I think there will be a variety of issues they will consider. Can they actually get enough information out on a particular matter to do anything useful? That will probably be the key question. It is all well and good for something to appear in the media, but how do you pick up enough information to move it forward? That will be a key issue. The only requirement is that the investigation is in the public interest.



**Ms BOYD:** At the risk of this being more of a comment than a question, when we talk about an independent assessor one could quite possibly fall into the trap of forming a view that it is just an independent person who is going to be doing all of this. I understand there will be the office and there will be a team of people who will undertake this work. Is there a power of delegation? If so, to what level? Secondly, how on earth are you formulating your resourcing around this and how are you going to pull that all together?

**Ms Blagoev:** In terms of resourcing, yes, that is a good question. That is forming part of the department's budget bit around this because it is a little bit of a different skill set than what we currently have in the department around this. I foresee it will be more of a prosecution skill set required, a bit more of an investigation skill set. I can honestly say that its actual establishment, the number of people and the levels, is still under consideration. Definitely the bill does give the independent assessor the ability to delegate certain powers to appropriately qualified staff. It will be a matter for the independent assessor to determine what is suitable to be delegated and what is not, but I do see a triangular structure as such which gives them the support they need rather than it just all sitting on one person. The independent assessor will have to make that judgement based on the workload coming through as well, and that is something that we will not know until it officially opens and starts to process them.

**Ms BOYD:** Is it something that you are getting some preliminary ideas around, being able to gauge numbers through the other bodies that are presently in operation?

**Ms Blagoev:** Yes, definitely. That work has been done and we also have information about the number of complaints that the department receives in relation to councils and trends. It will certainly use that information to inform the staffing and establishment of the independent assessor.

**Ms BOYD:** I imagine your budget bids for election years will be much higher than out-of-election years as well.

**Ms Blagoev:** It is about an establishment that is flexible enough. Obviously if it starts to get inundated in the lead-up to an election it may take a little bit longer to process those matters.

**CHAIR:** There being no further questions for the department, I will close the proceedings. Thank you for the information you have provided today. Thanks to our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. There were no questions taken on notice, so there is no requirement to follow up on any questions. I declare the briefing of the committee's inquiry into the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 closed.

**The committee adjourned at 12.49 pm.**