



LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr DA Pegg MP (Chair)
Mr DJ Brown MP
Mr MJ Crandon MP
Mrs JA Stuckey MP

Staff present:

Ms E Booth (Acting Committee Secretary)
Ms K Longworth (Assistant Committee Secretary)

PUBLIC BRIEFING—EXAMINATION OF THE LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER LEGISLATION AMENDMENT BILL 2017

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 25 OCTOBER 2017

Brisbane

WEDNESDAY, 25 OCTOBER 2017

Committee met at 11.19 am

CHAIR: Good morning. I declare open this public briefing for the committee's examination of the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017. I would like to acknowledge the traditional owners of the land on which we meet. I am Duncan Pegg, the member for Stretton and chair of the committee. With me here today are: Michael Crandon MP, the member for Coomera and deputy chair; Don Brown MP, the member for Capalaba; and Jann Stuckey MP, the member for Currumbin.

On 10 October 2017, the Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships, the Hon. Mark Furner MP, introduced the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017 to the parliament. The parliament referred the bill to the Legal Affairs and Community Safety Committee for examination, with a reporting date of 27 November 2017. The objective of the bill is to implement the government's response to the independent Councillor Complaints Review Panel's report entitled *Councillor complaints review: A fair, effective and efficient framework* to provide for a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct in Queensland.

The purpose of the briefing this morning 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 the Hansard and the audio is being broadcast live on the parliament's website. Therefore, I ask you to please identify yourself when you first speak and to speak clearly and at a reasonable pace. Only the committee and invited officials may participate in the proceedings. As parliamentary proceedings, under the standing orders any person may be excluded from the hearing at my discretion.

DUNNE, Mr Tim, Manager, Local Government and Regional Services, Department of Infrastructure, Local Government and Planning

MATHESON, Mr Craig, Deputy Director-General, Local Government and Regional Services, Department of Infrastructure, Local Government and Planning

PARTON, Ms Kathy, Deputy Director-General, Strategy, Governance and Engagement, Department of Infrastructure, Local Government and Planning

SPENCER, Ms Helen, Assistant Director, Legislation Services, Department of Infrastructure, Local Government and Planning

CHAIR: We will now hear from representatives of the Department of Infrastructure, Local Government and Planning who have been invited to brief the committee on the bill. Thank you very much for attending this morning. I invite you to make an opening statement briefing the committee, after which committee members will have questions for you.

Ms Parton: Thank you, Mr Chair, and thank you to the committee for the opportunity to provide a briefing on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017. The bill's objective is to implement the government's response to the independent Councillor Complaints Review Panel's report entitled *Councillor complaints review: A fair, effective and efficient framework* to provide for a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct in Queensland.

The government supports, partially supports or supports in principle 50 of the 60 recommendations for change that were made in the councillor complaints report. To implement the government's response, the bill primarily amends the Local Government Act 2009 by omitting the current provisions that relate to making and deciding complaints about the conduct and performance of councillors and replacing these with new provisions to establish the new system.

A key element of the new system is the establishment of the position of the Independent Assessor. The Independent Assessor will investigate and deal with the conduct of councillors which is alleged or suspected to be inappropriate conduct or misconduct. The Independent Assessor will also

be the public official responsible for dealing with complaints about the corrupt conduct of councillors for the purpose of consultation about or a referral of the complaint by the Crime and Corruption Commission under the Crime and Corruption Act 2001.

A primary function of the Independent Assessor will be to investigate councillor conduct before deciding how it should be dealt with. An investigation may arise from a complaint made or referred to the assessor or from information provided to the assessor by local governments and local government officials about councillor conduct. In addition, the Independent Assessor will be empowered to initiate an investigation based on information the assessor becomes aware of if the assessor reasonably believes it is in the public interest to do so.

To perform this function the Independent Assessor will be provided with appropriate powers to carry out an investigation of councillor's conduct. These powers will include powers to enter a place, seize evidence, require information to be provided and require a person to attend an interview and answer questions. The assessor may appoint appropriately qualified people as investigators to help them carry out investigations.

After carrying out an investigation, the Independent Assessor may decide to dismiss a complaint—for example, if the complaint is frivolous or vexatious, if it lacks substance or credibility or if dealing with the complaint would not be in the public interest. If the investigation did not arise as a result of complaint, the assessor may decide to take no further action if they are satisfied that the conduct is not inappropriate conduct or misconduct, if there is insufficient information to properly investigate or form an opinion about the conduct or if taking further action would be an unjustifiable use of resources.

If the Independent Assessor reasonably suspects that a councillor has engaged in inappropriate conduct, the assessor may refer the conduct to the local government. The local government will investigate and deal with the suspected inappropriate conduct, including taking appropriate disciplinary action, if it is decided the conduct was inappropriate conduct.

For the purpose of investigating councillor conduct matters, local governments will be required to adopt an investigation policy. This policy will deal with matters such as how the local government will carry out the investigation and in what circumstances another entity may investigate the conduct. The policy must be consistent with the principles of natural justice.

If after investigating a councillor's conduct the Independent Assessor is reasonably satisfied the conduct is misconduct, the assessor may make an application to the new Councillor Conduct Tribunal about the conduct. The Councillor Conduct Tribunal will replace the current Local Government Remuneration and Discipline Tribunal and the Regional Conduct Review Panels, both of which currently deal with misconduct matters.

The Councillor Conduct Tribunal will conduct hearings about a councillor's alleged misconduct and will decide whether or not the councillor has engaged in misconduct and if so any disciplinary action that should be taken. Decisions of the Councillor Conduct Tribunal, other than recommendations to the minister that a councillor be suspended or dismissed, will be subject to review by the Queensland Civil and Administrative Tribunal.

Matters related to the remuneration of councillors, which are currently decided by the same Local Government Remuneration and Discipline Tribunal, will be decided by the new Local Government Remuneration Commission. Members of the Councillor Conduct Tribunal and commissioners of the Local Government Remuneration Commission will be appointed by the Governor in Council on recommendation of the minister.

Another key element of the bill is to provide for the minister to make a new mandatory code of conduct for councillors. The code, along with clarified definitions of inappropriate conduct and misconduct, will provide consistent and clear standards of behaviour for councillors across all councils in performing their functions. The code of conduct will be developed by the department with advice from the local government liaison group, which includes representatives from key stakeholders such as the Local Government Association of Queensland, Local Government Managers Australia and the Crime and Corruption Commission. The group will also advise on the implementation and ongoing operation of new the councillor complaints system.

The bill also introduces the concept of unsuitable meeting conduct which is conduct of councillors that occurs during a local government meeting that contravenes behavioural standards set out in the code. Unsuitable meeting conduct will be dealt with during the meeting. However, repeated unsuitable meeting conduct or noncompliance with an order that is made for unsuitable meeting conduct may become inappropriate conduct.

The bill provides for a number of administrative and governance matters, including requiring the department's chief executive to make model procedures for the conduct of local government meetings. Local governments will be able to adopt other meeting procedures as long as they are consistent with the model procedures.

A councillor conduct register will be maintained by local governments to record particular orders and decisions about councillor conduct. The register will be published on the local government's website and be available for inspection at local government offices to increase transparency for the community about councillor conduct matters.

The Independent Assessor will be required to provide an annual report to the minister on the operation of their office during the year. The minister must table a copy of the report in the Legislative Assembly as soon as practicable after it is given to the minister.

The bill also provides for strengthened offences to support the new system—notably new offences to provide protection from reprisal for local government employees and councillors who make complaints about councillor conduct and to preserve the confidentiality of investigations. Increased penalties will also apply to discourage frivolous and other improper complaints.

Finally, the bill provides for appropriate transitional arrangements for the commencement of the new system. Complaints that were made but not finalised at commencement will be dealt with under the new provisions if they are at an early stage and a preliminary assessment of the complaint has not been made. Given the Local Government Remuneration and Discipline Tribunal and the Regional Conduct Review Panels will no longer exist, complaints which are being considered by these bodies as misconduct will be dealt with by the Independent Assessor under the new provisions. Complaints that were assessed as being about inappropriate conduct will continue to be dealt with by the mayor, local government CEO or the department's director-general under the current provisions. The new system will apply to all local governments other than the Brisbane City Council, which has separate legislative arrangements under the City of Brisbane Act 2010 and separate administrative complaints processes.

This is a comprehensive bill that relates to important integrity matters in the local government landscape. As the committee will no doubt appreciate, the department currently has a role in assessing and investigating individual councillor conduct complaints. In the interests of natural justice and fairness available to all parties as part of administering the current system, it would not be appropriate for members of the department to discuss specific matters relating to individual complaints or matters that are currently or have been the subject of investigation. We are happy to take any questions from the committee.

CHAIR: Thank you, Ms Parton, and I am sure committee members will be cognisant of that and will not be asking those kinds of questions in this particular forum. In terms of the framework, as I understand it, Brisbane City Council is not a part of that. Why is that the case?

Ms Parton: That is correct. One of the recommendations from the independent review panels into councillor complaints was that the City of Brisbane Act be aligned to the changes that are proposed to the Local Government Act. The government's response supports that in principle but proposes that the changes be made to the Local Government Act, in the first instance, to make sure that they are working well before they are applied to the City of Brisbane Act. The Queensland government will assess whether it is beneficial to align the City of Brisbane Act with the new framework in due course once we have worked out how the new framework works in practice.

CHAIR: I was wondering if you could assist the committee by explaining how the provisions of this bill interact with the proposals in the Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill, which we will be having a public briefing on very shortly?

Ms Parton: Yes, certainly. The two are separate but you will see that the representatives on this side of the table will not change, so they have obviously been developed in a complementary way. Both of the bills are about increasing the transparency and accountability in the local government sector. Did anyone have comments on some specific interactions?

Mr Matheson: As Ms Parton indicated, the two pieces of legislation are complementary in the context of the integrity landscape for local government. Obviously the bill that is currently being considered by the committee deals quite expressly and specifically with the processes for dealing with councillor complaints. The implementing Belcarra bill, which is the subject of the committee's separate inquiry, deals specifically with matters relating to the source of donations from property developers and also matters to deal with conflicts of interest. Elements of matters to deal with conflicts of interest could give rise to potential complaints that, subject to the passage of both pieces of legislation unamended, could intersect with one another in terms of how those complaints are dealt with.

CHAIR: Finally, I have a question about the establishment of the Local Government Remuneration Commission. Obviously we have a Queensland Independent Remuneration Tribunal, which people know as QIRT. Why can't QIRT perform those functions?

Ms Spencer: I believe that was considered by government as part of their government response, but there was a decision made to separate those functions into a new remuneration tribunal.

Mr CRANDON: That was a good opening statement. It put a couple of things into my mind with regard to questions, and I was writing it down and you were answering them as I was going. You mentioned the no action and the recourse to appeal to QCAT, but other than a recommendation to dismiss a councillor there was another one as well but I did not write that down—that is, to either dismiss a councillor or some other thing. Why cannot councillors go to QCAT for that aspect of it? If there is a recommendation to dismiss—that is pretty serious—they have no recourse from the sounds.

Ms Parton: That is in relation to an order from the minister, so that would be based on advice from the tribunal and it would then be an order from the minister to dismiss or suspend a councillor. That would not be subject to a QCAT appeal.

Mr CRANDON: Sorry, but I must have it the wrong way around. Did you not say that a recommendation from the independent assessor to the minister cannot go to QCAT, cannot be appealed to QCAT?

Ms Parton: Yes, so that is a recommendation from the tribunal to the minister that could not be appealed at QCAT. Does that make sense?

Mr CRANDON: Right; okay, not the independent assessor.

Ms Parton: Sorry, so it was a recommendation from the councillor conduct tribunal. All the decisions of the tribunal itself will be able to be appealed through QCAT, other than where they might make a recommendation to the minister.

Mr CRANDON: Thank you. You mentioned the CCC and a couple of other bodies. What kind of interaction can we expect? It sounds like in some respects that the independent assessor is going to take on a role that has been, in some respects, looked at by the CCC in the past. What kind of interaction do you expect or anticipate with the CCC?

Ms Parton: The intention of the independent assessor's role is more taking on a role that has previously been performed by the department of local government. Currently the department of local government has very close interaction with the CCC around complaints, so complaints that are referred by the CCC that have a relation to local government are often referred to the department for investigation and then a decision back to the CCC or advice back to the CCC and vice versa. If the department receives a complaint and we believe it is about corrupt conduct as defined under the act, then we would refer it to the CCC. The intention is that the independent assessor would have a similar relationship with the CCC in terms of referral of complaints.

Mr CRANDON: Got that; thank you. With regard to the complaints-making process then, what help and support will be provided to assist people who wish to make complaints? What steps will the department take to ensure that people know where to make the complaint? The bill provides for new offences and increases existing penalties for making frivolous or improper complaints. Who will determine whether a complaint is frivolous or improper? There are three parts to the question, just so we can deal with them all at once.

Mr Matheson: In relation to the advice and support that would be provided by the department in the context of assisting people, particularly councillors and others, to understand how the new arrangements operate, the department has for many years conducted a capacity-building program and as part of the refinements to that program that we are looking at at the moment that program is being reengineered to focus on two fundamental themes—local government sustainability and local government integrity. A clear focus of that program will be around assisting local governments to understand the suite of new requirements and arrangements that are being proposed through both this bill and also through the implementing Belcarra legislation, which is the subject of a separate inquiry by the committee.

Mr CRANDON: The assistance to people who wish to make a complaint was the crux of that first part of my question—that is, assistance to people who wish to make a complaint against a councillor.

Mr Matheson: The department will publish information in relation to the complaints process, but my understanding is the office of the independent assessor also has a role in terms of informing the public and assisting persons who may be looking to make a complaint in relation to the conduct of a councillor.

Mr CRANDON: You probably covered the second part of the question, which was about people knowing where to make a complaint, so you probably covered that. The bill provides for new offences and increases existing penalties for making frivolous or improper complaints. Who will determine whether a complaint is frivolous or improper and where will such alleged offences be prosecuted?

Ms Parton: The determination would rest with the independent assessor as to whether it is frivolous or improper. In terms of where they would be prosecuted, if it is misconduct then it may be referred to the tribunal and the tribunal would have the ability to levy a penalty, and that is where those increased penalties come into play. I can also add that the intention of this is to streamline it for people making complaints. At the moment the system is overly complex. People making complaints about a councillor have to make them in the first instance to the CEO of that council and it is the CEO's role to determine whether the complaint has substance or not. If they make a complaint to the department, the department has to refer it the council CEO for that. This provides one central place, so it should actually be a lot easier for people to work out how to make a complaint because they will make it to a single place instead of different arrangements by council.

Mr CRANDON: Yes. You can imagine that it could sit on the CEO's desk for a while whilst he or she worried about where to take it. Thank you.

Mr BROWN: The independent tribunal will make a decision whether to investigate inappropriate conduct and then it gets sent back to the council; is that correct?

Ms Parton: That is correct. If it is determined to be inappropriate conduct—if the tribunal or the independent assessor are confident that it is inappropriate conduct and not a more serious offence of misconduct—then inappropriate conduct would be referred to the council to deal with.

Mr BROWN: Under the amendments, is there a time frame in which they have to investigate?

Ms Spencer: No, there is not.

Mr BROWN: So we have the same situation that we are in at the moment; is that correct? As the member for Coomera said, the complaint may sit on the CEO's desk.

Ms Parton: Apart from the fact that the independent assessor, if they are not satisfied that action has been taken by a council, does have the ability under the new arrangements to commence an investigation themselves.

Mr BROWN: How does a complainant trigger that?

Ms Parton: A complaint can be made direct to the independent assessor for a start, but also if the independent assessor is not satisfied with the action that is being taken they would have the ability under these arrangements to initiate and reprocess themselves.

Mr BROWN: The complaint goes to the independent assessor and if the independent assessor warrants that it is inappropriate conduct it gets sent back to the council. If they make a finding that is not satisfactory to the complainant, what options do they have? Can they now appeal to QCAT—is that correct—or back to the independent assessor?

Mr Dunne: Councils are already required to have complaints processes for people who are unhappy with council decisions, so a complainant who was unhappy with a decision about inappropriate conduct would be able to make a complaint through that body and ultimately, like any administrative decision of a council, would be able to go to other bodies such as the Queensland Ombudsman or other remedies such as courts or things like that about those types of decisions. A recommendation for the government's response was also to review complaints handling by councils to see if a separate appeals or review process was required, so the government will be reviewing that within 12 months.

Mr BROWN: Does the department have a view or a costing or a forecast to take inappropriate conduct complaints and have the tribunal investigate those and take it out of the hands of local councils?

Mr Matheson: The initial assessment is undertaken by the independent assessor before it is referred back to that council to deal with. This is in the context of inappropriate conduct. The initial assessment is actually being made within the province of that role. In terms of a specific cost of the independent assessor alone dealing exclusively with not just the assessment but then the investigation and determination on the matter, no, we do not have a specific cost that we could provide.

Mr BROWN: In regards to the Redlands council, there was a matter that went to the Ombudsman about letters to residents threatening defamation. That report came back on January 2017 and I think the council took about 10 months to respond to it. Will that sort of situation still occur under these changes?

Ms Parton: In relation to a recommendation from the Ombudsman?

Mr BROWN: Will the independent assessor take it off the Ombudsman or will the Ombudsman still have the right to investigate these matters?

Ms Parton: The Ombudsman is still the appropriate forum for administrative decisions of council. Generally, if residents have an issue with an administrative decision made by their council, and that will include in relation to inappropriate conduct, they make a complaint to the council. If it is not dealt with, they can take that to the Ombudsman. If the Ombudsman then investigates that and comes back with a recommendation for council to approve, is that what you mean?

Mr BROWN: Yes, or to respond. They needed to respond quicker. It was a fairly lengthy time, in that case.

Ms Parton: There is not a role really for the independent assessor in following up the Ombudsman on administrative issues. I am sorry; I am not familiar enough with the Ombudsman's act to know whether there is anything in that act.

CHAIR: Do you want to take that question on notice?

Ms Parton: We can take that on notice, yes.

Mr Matheson: The only other point that I would add to that is that, as you are aware, the Ombudsman is an officer of the parliament and can report matters to the parliament on the basis of the conduct of his investigations. It is a matter that may well be raised within the context of a report of the Ombudsman to the parliament. In terms of the specific case that you refer to, I am not familiar with the specific matter there, so I do not know whether there were any other circumstances that might have contributed to the delay in the council responding or actioning the recommendations from the Ombudsman in that instance.

Mrs STUCKEY: I note that there will be a model code of conduct introduced into this bill and that there are existing codes of conduct for other levels of government and representatives. Could you provide some examples of the types of behavioural standards that might be included in this? Are they going to mirror exactly those that are in others?

Ms Parton: As you stated, the introduction of a code of conduct will bring councils into line with other states and territories and also members of parliament, local government employees, state government employees and ministers, as well, who will operate under a code of conduct. The exact details of the code of conduct will be developed in consultation with the Local Government Liaison Group. That group will include the LGAQ, the Local Government Managers Association and members of the CCC. The exact details will be worked through over the coming months within that group. However, the code of conduct will require some flexibility as it will apply to every council in Queensland.

Mrs STUCKEY: We are a very disparate state. Are you able to shed any light on whether allegations of bullying or harassment will be dealt with as inappropriate conduct or misconduct?

Mr Matheson: Matters relating to bullying and harassment, as you would appreciate, have a number of different complexions to them. In one sense, they can constitute matters that relate to workplace health and safety, so there are existing arrangements that are already in place for how matters are dealt with through that channel. As Ms Parton said, while the development of the actual code of conduct is yet to occur, behaviours that lend themselves to being of a nature that constitute bullying or harassment, I think it would be fair to say, would potentially be dealt with within the context of the model code of conduct. As to how individual matters are actually managed and then prosecuted, though, again there would be a number of different pathways where they would potentially be dealt with, depending on the nature of the particular circumstances.

Mrs STUCKEY: Will that be outlined in the final—

Mr Matheson: When you look at other codes of conduct and so forth, they generally relate to matters of behaviour, how behaviours are exhibited and how they are interpreted. In that context, I think it is not unreasonable to assume that matters relating to bullying or harassment, which inevitably involve some exhibition of behaviour, in some way would in fact be touched on by the model code of conduct. It then becomes a matter of how they are actually addressed and there are a couple of different pathways, as I mentioned, that might provide the remedy in those circumstances.

CHAIR: I have a question about how this will all be publicised. For instance, we have heard that people might not know where to start or even the fact that they can make a complaint. What steps will the department take to publicise that there is a place that you can take your complaints to now?

Ms Parton: The department will certainly be working up a strategy to make sure that the public is well informed. Currently, the department's website and the Queensland government website have links to the process for making complaints, including the different steps, which are currently quite Brisbane

complex. As Mr Matheson said earlier, every council is required to have a complaints policy in place. Council web sites, I believe in almost all instances, will include information about how to make a complaint about a council. We will push to use those, in consultation with the independent assessor's office once it has been appointed. We will certainly do that. We also have our usual process for rolling out education and awareness within councils of their new responsibilities. We would also look at broader communication for the public around where they go to make complaints under the new system.

Mr CRANDON: Following on from the question of the member for Capalaba and coming back to your opening remarks, the independent assessor takes on the responsibility of looking at a matter. It then gets sent back to the council. The question the member asked was, what happens if you are not happy with the decision of the council in the matter? The independent assessor will either send it back to the council or not. He will either continue to deal with it or send it to the council. I think that is the idea. Let us say he has made a decision to send it to council and there is an unsatisfactory response from council, as far as the complainant is concerned. It seems that your answer before—and correct me if I am wrong—was that there is a process through council. It seems like you are getting back into the quicksand. It seems like you are going back to areas that are already complex. Why would that not be referred back to the independent assessor or QCAT, if there was dissatisfaction with the decision that was made at council level that was predicated on the independent assessor sending it to the council? Why would that not go to QCAT? Why does it end up in one of those other areas that you referred to?

Ms Parton: Firstly, I would say that that would be for inappropriate conduct complaints. Anything that constitutes misconduct, which is a more serious level, would certainly be dealt with by the independent assessor and potentially by the tribunal. Only those allegations of inappropriate conduct would be referred back to the council to deal with. The council may have different requirements under their own code of conduct for dealing with those types of instances. In terms of QCAT, I might have to take that on notice.

Mr CRANDON: If you could.

Ms Parton: QCAT is established to look at administrative decisions of tribunals and the likes, so it reviews decisions like that. I will take that on notice and come back to the committee on the appropriateness of that body.

Mr CRANDON: Following on from that, the *Councillor complaints review* report recommended that the full council, rather than the mayor, determines the issue of inappropriate conduct and sets any penalties. Can you please explain why the bill provides for the power to deal with inappropriate conduct to be delegated to the mayor or a committee? The *Council complaints review* report recommended the full council, yet the bill provides for the mayor or a committee.

Ms Parton: There was a fair bit of consultation before the review report came in. I might have to take the details of that one on notice and come back to the committee, because there were a few changes in the interim. I will take that one on notice, as well, if you do not mind.

Mr CRANDON: Thank you.

Mr BROWN: Following on from the question of the member for Coomera, I understand the difference between inappropriate conduct and misconduct. Sometimes in the eye of the voter or the eye of a community member, inappropriate conduct, if done multiple times, can mean the difference in how they see their councillor. I am still a bit concerned that these complaints will be delegated back to the mayor. Usually if the mayor has the numbers and the complaint is against a councillor who is one of those numbers, the complaint is flat batted away. On the other hand, if the councillor generally votes against the mayor, the complaint is taken very seriously and progressed. What ability is there for people to go back to the independent assessor and ask him to take over the investigation? Will the independent assessor bring it back to council to reinvestigate?

Ms Parton: In terms of inappropriate conduct, yes. You are correct that the mayor is responsible for deciding on the action required or a delegation can be put in place for that. If the complaint is about inappropriate conduct of the mayor or deputy mayor or it is made by the mayor or by the local government CEO, the department's chief executive would decide what action would be taken, including any disciplinary action. That is a slight clarification on the mayor not making decisions around complaints relating to themselves or the deputy mayor.

Mr Matheson: If I can clarify, I think the essence of your question—and please correct me if I am wrong—is the confidence of the complainant or the member of the public that a matter is being reasonably determined as either inappropriate conduct or misconduct and their confidence around the process if there are multiple instances of inappropriate conduct. In the case of both of those matters, Brisbane

in relation to the first point in terms of that initial determination of whether a matter may constitute inappropriate conduct or misconduct, the independent assessor as an independent body makes the initial determination as to what category the conduct might fit into. The other element in relation to my interpretation of the second element of your questioning is in relation to where there are multiple instances of a councillor engaging in inappropriate conduct. I believe there is provision in the bill so that three instances of a finding of inappropriate conduct is regarded as a matter of misconduct and is then dealt with by the independent assessor and potentially a referral to the tribunal.

Mr BROWN: Thank you for that clarification. I am concerned about inappropriate conduct that the independent assessor sends back to the mayor. If the matter relates to a councillor who supports the mayor and the mayor continues to find that no action is required, what recourse is there for the complainant?

Mr Matheson: Ms Parton touched on this earlier. The independent assessor does have the power to initiate their own investigation of such matters, if the evidence is put in association with a complaint. The independent assessor does have the authority to initiate their own investigation of the matter.

Mr BROWN: Thank you, Chair.

CHAIR: We have run out of time. Thank you for the information that you have provided today. I thank our Hansard reporters. A transcript of the proceedings will be available on the committee's parliamentary web page in due course. In relation to questions taken on notice, could we have your responses by 5 pm Friday, 27 October, so that we can include them in our deliberations. I declare closed this public briefing for the committee's inquiry into the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017.

Committee adjourned at 12.01 pm