

# CCT - COUNCILLOR CONDUCT TRIBUNAL

## PRACTICE DIRECTION

No 1 of 2023

12 April 2023

### Hearing Protocol

#### Expedited misconduct applications

The Tribunal  
LG Act

*Councillor Conduct Tribunal*  
*Local Government Act 2009 (Qld)*

1. This Practice Direction is issued under section 150DV of the LG Act and is to be read in conjunction with Practice Direction No 2 of 2020 which continues to apply. This Practice Direction replaces Practice Direction No 1 of 2022 effective 18 July 2022 Hearing Protocol Expedited misconduct applications.
2. The purpose of this Practice Direction is to establish specific procedures relating to the conduct of hearings by the Tribunal where the allegation of misconduct and the associated facts and circumstances are not contested by the Councillor.
3. The Practice Direction is intended to give guidance to parties appearing before the Tribunal to decide applications made by the Independent Assessor to the Tribunal under section 150AJ of the LG Act in circumstances where there is no dispute by the parties.
4. The procedures adopted by this Practice Direction are intended to allocate a priority hearing date to non-contested misconduct allegations contained in applications made to the Tribunal.
5. To the extent practicable the Practice Direction applies to applications made by the Independent Assessor to the Tribunal under section 150AJ of the LG Act either before or after 18 July 2022.

#### Priority Hearing process and procedures

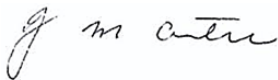
**Jurisdiction of the Tribunal - *Local Government Act 2009 (Qld)* (sections 150DV,150AL, 150AM(a), 150AP(2)(a) and 213).**

6. By section 150AL of the LG Act the Tribunal must conduct a hearing about the application and by section 150AM the Tribunal must be constituted by at least 2 members.

7. For hearing non–contested matters the Tribunal will generally be constituted by 2 members unless the circumstances of a matter requires consideration by 3 members of the Tribunal.
8. Under section 150AP(2) of the LG Act the Tribunal may conduct the hearing on the documents. The expedited matters referred to in this Practice Direction will be heard on the documents by the Tribunal wherever possible and provided the process upholds the principles of natural justice (refer section 213 of the Act).

## **Directions**

9. Before the Tribunal issues directions to initiate the expedited hearing process for a non-contested hearing, the Independent Assessor must file with the Tribunal registry the following document:
  - (a) A signed and dated Agreement formed between the Councillor and the Independent Assessor confirming the allegation/s, facts and evidence are not disputed; and
  - (b) The Agreement is to include a statement that confirms that prior to signing the Agreement the Councillor was provided with sufficient time (at least 14 business days) to seek advice, including legal advice, about any admissions contained in the Agreement.
10. On receipt of the Agreement provided by paragraph 9(a) and 9(b), the Tribunal will issue directions to the parties requiring written submissions concerning proposed sanctions and penalty orders pursuant to section 150AQ and 150AR of the Act. The directions will provide the dates the submissions are to be filed and the date the matter is to be heard by the Tribunal.



June Anstee  
President  
Councillor Conduct Tribunal  
12 April 2023