

Effective: 2 August 2022

COUNCILLOR CONDUCT TRIBUNAL

PROTOCOL TO BE READ IN CONJUNCTION WITH PRACTICE DIRECTION #2 OF 2022 USE OF TECHNOLOGY DURING COVID-19 RESPONSE

Overview

The Councillor Conduct Tribunal (Tribunal) wishes to ensure that matters before the Tribunal are conducted in a manner protective of the health and safety of all participants.

This protocol is designed to assist in the management of risks associated with Coronavirus (COVID-19) and, in particular, to avoid the need for any appearance, where that is at all possible and, instead, facilitate appearances by telephone or video link.

However, if complying with this protocol may prove difficult for any party or the parties representative they should seek direction from the Tribunal President in a given matter as to how to proceed.

Please keep up to date with any changes to these guidelines as they are constantly evolving and updates will be provided on the Tribunal webpage at <http://www.statedevelopment.qld.gov.au/local-government/governance/councillor-conduct-tribunal.html>.

The protocol is as follows:

1. During the COVID-19 pandemic¹ or until further notice matters proceeding to an oral hearing, will be dealt with by teleconference or video conference. The parties are encouraged to take active steps to agree on the proposed directions, if any, that need to be made (to avoid the need for any appearance) and otherwise to co-operate to narrow the scope of the issues in dispute.

Directions hearing pursuant to section 150AM(b) of the Local Government Act 2009.

2. Directions hearings will continue to be held in accordance with s.150AM(b) of the *Local Government Act 2009* by teleconference with the Independent Assessor and the Councillor participating by telephone. The Independent Assessor and the Councillor will be advised of the date and time of the directions hearing by email from the Registrar. If the parties are unable to participate at the time allocated (i.e. problems with teleconference or videoconferencing) they will need to contact the Registrar prior to the date set for the directions hearing.

Hearings on the Documents section 150AP(2)(a) or 2(b)

3. Hearings on the documents will continue to be held in accordance with the provisions of the Act and the use of teleconference if necessary to obtain additional evidence from the parties.

¹ The World Health Organisation declared the COVID-19 a worldwide pandemic on 11 March 2020, the COVID-19 pandemic declaration is still active.

Contested Oral hearings – Procedures – section 150AP(1), Chapter 7, Part 1.

4. Matters requiring an oral hearing will be dealt with by making arrangements for video conferencing using Skype for Business or Microsoft Teams (if available to all participants). You are encouraged to familiarise yourself with this technology.
5. Any hearing on matters that can reasonably be held by teleconference will be heard in that way using Chorus Call. Parties to the hearing will be connected by an operator.
6. For any matters requiring an oral hearing, the Applicant, the Councillor and their representatives if any, are to ensure documents relied on including submissions, affidavits and statutory declarations are provided by email, to other parties and the Tribunal in accordance with the directions previously issued by the Tribunal.
7. Pursuant to section 298 of the Local Government Regulations), the Tribunal will determine on a case by case basis whether a hearing will be held in public.

The Tribunal thanks all parties and their representatives for their cooperation with this protocol in the present circumstances.

June Anstee
President
Councillor Conduct Tribunal
2 August 2022