

# CCT - COUNCILLOR CONDUCT TRIBUNAL

## PRACTICE DIRECTION

No 1 of 2022

Effective: 18 July 2022

### Hearing Protocol

#### Expedited misconduct applications

The Tribunal  
LG Act/Act

*Councillor Conduct Tribunal*  
*Local Government Act 2009*

1. The purpose of this Practice Direction is to establish specific procedures relating to the conduct of hearings of the Councillor Conduct Tribunal (“the Tribunal”) where the allegation of misconduct and the associated facts and circumstances are not contested by the councillor. This practice direction is issued under section 150DV of the *Local Government Act 2009 (Qld)* (“the LG Act”) and is to be read in conjunction with Practice Direction No 2 of 2020.
2. This 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. This Practice Direction expands upon, and does not repeal or replace, *Practice Direction-General Hearing Protocol No 2 of 2020* dated 28 October 2020 which continues to apply.
3. The procedures adopted by this Practice direction are intended to allocate a priority hearing date to undisputed misconduct allegations contained in applications made to the Tribunal by the Independent Assessor.
4. The Practice Direction is effective from 18 July 2022. To the extent practicable it also applies to applications made by the Independent Assessor to the Tribunal under section 150AJ of the Act either before or after 18 July 2022.

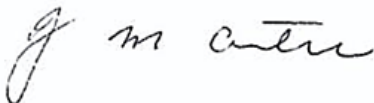
#### Priority Hearing process and procedures

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

5. 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*.
6. For hearing non–contested matters the Tribunal will generally be constituted by 2 members unless the unique circumstances of a matter requires consideration by 3 members of the Tribunal.
7. 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**

8. The Tribunal will issue directions to the parties to hear expedited matters on the documents under section 150AP(2) of the LG Act about the dates for the filing of submissions.
9. The parties will be required to confirm by written submissions that the allegation, facts and the evidence filed by the Independent Assessor are agreed. The submissions will also be required to address proposed Disciplinary action to be taken against the councillor pursuant to section 150AQ and 150AR of the Act.
10. The date the Tribunal intends to hear the matter on the documents will be advised by these directions.
11. In circumstances where the Councillor cannot confirm by submissions that a satisfactory agreement has been reached with the Independent Assessor in relation to the allegation of misconduct and the associated facts and evidence the Tribunal will remove this application from the Expedited hearing list. The matter will be re-allocated to the General hearing list to be case managed by the process described by Practice Direction No 2 of 28 October 2020.



June Anstee  
President  
Councillor Conduct Tribunal  
18 July 2022.