LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 2 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL 2019

DEPARTMENT OF LOCAL GOVERNMENT, RACING AND MULTICULTURAL AFFAIRS

Advice to the Economics and Governance Committee on submissions to the inquiry

Date: 3 June 2019

No.	Submitter	No.	Submitter
1	Far North Queensland Regional Organisation of Councils (FNQROC), North West Queensland Regional Organisation of Councils (NWQROC), and North Queensland Regional Organisation of Councils (NQROC)	17	Property Council of Australia
2	Balonne Shire Council	18	Moreton Bay Regional Council
3	Burdekin Shire Council	19	Independent Assessor
4	Mareeba Shire Council	20	Wildlife Queensland, Gold Coast and Hinterland Branch (Wildlife Qld)
5	Local Government Association of Queensland (LGAQ)	21	Redland City Council
6	Cr Paul Golle, Redland City Council	22	Environmental Defenders Office (Qld) Inc (EDO)
7	Organisation Sunshine Coast Association of Residents (OSCAR)	23	Isaac Regional Council
8	Cr Paul Bishop, Redland City Council	24	Queensland Local Government Reform Alliance Inc (QLRGA)
9	Brisbane Residents United	25	Torres Shire Council
10	LNP Administration Councillors of Brisbane City Council	26	Banana Shire Council
11	Electoral Commission of Queensland (ECQ)	27	Cr Wendy Boglary, Redland City Council
12	Pat Coleman	28	Queensland Law Society (QLS)
13	Sunshine Coast Regional Council	29	Gecko Environment Council Association Inc
14	Whitsunday Regional Council	30	Logan City Council
15	North Queensland Regional Organisation of Councils (NQROC)	31	North West Queensland Regional Organisation of Councils (NWQROC)
16	Redlands2030		

Summary of submissions and responses

The Department of Local Government, Racing and Multicultural Affairs (DLGRMA) thanks all those who took the time to provide submissions on the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other legislation Amendment Bill 2019 (the Bill). The table below provides a summary of the key issues raised, which are divided by general themes, and DLGRMA's response for each theme raised.

Submitters	Clause No.	Key points	Department's response
Compulsory Preferential Voting (Full-preferential voting)			
FNQROC/ NWQROC/ NQROC, Balonne Shire Council, Burdekin Shire Council, Mareeba Shire Council, LGAQ, Cr Paul Golle, OSCAR, LNP Administration Councillors of BCC, Pat Coleman, Sunshine Coast Regional Council, Whitsunday Regional Council, Redland City Council, Banana Shire Council, Cr Wendy Boglary	209 214 215 216 217 218	Some submitters do not support amendments to change the voting methodology from optional-preferential voting to compulsory preferential voting for Local Government areas divided into single member divisions and Mayors. Some submitters raised the following concerns: - Potential risk of increasing informal votes - Communities, including indigenous communities, who are bilingual and their primary language is not English may increase the risk of confusion - Electors required to vote for a candidate that they do not know or do not wish to vote for - Unlike State and Federal Governments, the majority of the Local Governments are not endorsed by political parties - Difficult to administer and count in multi-councillor divisions in a single Local Government area. - Reflects resolution 1 passed at LGAQ general meeting on 2/4/19 - Not recommended in Belcarra and Soorley reports - Limited justification for the change to align with other levels of Government - Existing system is fair as it allows electors to allocate preferences if they wish - May be unaware of what individual candidates stand for - Electors will simply follow how-to-vote cards at the expense of a genuine democratic process reflecting the true views of the electorate - Lack of community consultation, a poll commissioned by LGAQ indicated that 70 per cent of the community surveyed is satisfied with current system - Timing of introduction of these changes raises community equity issues - Push political parties into every Local Government area and group alliances nominating as running	The Bill proposes to amend the system of voting at an election for a Local Government divided in to single member divisions and for the election of Mayors to be full preferential voting. This means that an elector must record preferences for all of the candidates in these elections under the new proposed system of voting. This will align Local Government voting methodologies with Federal and State elections to minimize voter confusion. Standardising the way voting occurs across jurisdictions, including standardized voter information resources, means voters will only need to understand one form of voting. Full-preferential voting elects the candidates more preferred by voters by stopping the exhaustion of votes. The DLGRMA notes ECQ's submissions to the Committee that they identified increased consistency of the voting system between Local Government and State Government elections will reduce the complexity and risk inherent in the ECQ's ongoing requirements for the training temporary election staff.

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		parties to work together against independent candidates - May lead to seat stacking to push out good Councillors - May lead to secret preference deals and promises - At direct odds with Soorley recommendation to retain optional preferential voting until after 2020 elections. Submitters commented that there may be confusion for voters where there are different voting systems in one Local Government area which has both single and multi-Councillor divisions.	The Bill provides that the system of voting for a Local Government area divided in to single member divisions is full-preferential voting. In any other case the voting system is first past the post voting. Where a Local Government area is divided in to both single member and multi-member division the voting system is first past the post in all divisions.
		Mayoral Powers	
FNQROC/ NWQROC/ NQROC, Balonne Shire Council, Mareeba Shire Council, LGAQ, Cr Paul Golle, Whitsunday Regional Council, Banana Shire Council	108 116 119 141	Some submitters do not support amendments to change mayoral powers to appoint and direct senior executive employees and direct the Chief Executive Officer (CEO). Some submitters raised the following concerns: - Sensitivities related to indigenous communities - Reflects resolutions 8 and 9 passed at LGAQ general meeting on 2/4/19 - Mayor and Deputy Mayor/committee chair should be involved in the appointment of senior executive employees due to the importance of these roles in supporting the strategic direction of the Local Government - Removal of power to direct senior executive employees may create difficulties with the operations of council and impact on the relationship between the Mayor and senior executive employees - Impact on CEO's workload because of all directions to senior executive employees will go through CEO and requirement to maintain a register of directions given by the Mayor - Impacts to culture of the organisation	The Bill proposes to amend the *Local Government Act 2009* (LGA) to: - repeal the power of the Mayor to direct senior executive employees - provide that the CEO appoints all employees, including senior executive employees (and make associated transitional provision for existing senior executive employees) - provide that a direction by the Mayor to the CEO must not be inconsistent with a resolution, or a document adopted by resolution, of the Local Government - provide that the CEO must keep a record of each direction given by the Mayor to the CEO and make each direction available to the Local Government. The Mayor and Councillors have and will continue to have the ability to drive the Local Government's agenda via the following powers: - all significant decisions or policies that a Local Government must make or adopt such as the budget and organisational structure are made by all Councillors at a Council meeting - the Mayor and Councillors appoint the CEO - the Mayor can provide strategic direction to the CEO

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		- Changes not recommended in Belcarra and Soorley reports.	- the amendments do not prevent the CEO consulting with the Mayor and Councillors about the appointment of senior executive employees. Further, under the LGA all employees have the responsibility to implement the policies and priorities of the Local Government, the CEO appoints all other employees, and the CEO is responsible for managing and taking disciplinary action against employees. The CCC's Operation Windage demonstrated integrity concerns which can arise from an over-reach by Councillors into the Council administration. The amendments provide for a clear separation between the elected Councillors who decide the policies, priorities and strategic direction and employees who are responsible for implementing the decisions of the Councillors.
Redlands 2030, OSCAR, Cr Paul Bishop, Whitsunday Regional Council, QLGRA, Cr Wendy Boglary		Some submitters were supportive of the proposed amendments but raised the following issues for consideration: - Register of direction to CEO must be publicly available and reference Council policy to which the direction is given - Any request from the Mayor to the CEO must be made in writing - It is important for the CEO to consult with Mayor and the Councillors with regard to the appointment of senior executive employees - Budgets to be formed by full council under advice from finance department - Delegation to CEO to make Council decisions are only to be made in extreme circumstances - The decision delegation to must be reviewed by external agencies - Ensure direction is the accordance with the majority of Council direction and not a just a direction from the Mayor	Noted. These comments are outside of the scope of the Bill.

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		- For the appointment of executives, if a conflict of interest exists between the Mayor or a Councillor and the applicant, they are to be excluded from any such decision. QLGRA proposes a range of recruitment initiatives for the appointment of any senior level executive position under section 4 of their submission.	
Candidate Training			
FNQROC/ NWQROC/ NQROC, Burdekin Shire Council, OSCAR, Brisbane Residents United, Whitsunday Regional Council, Isaac Regional Council, Cr Wendy Boglary, QLS	162 252	Some submitters requested clarification for: - who is going to provide the training and how it will be funded - who will bear the costs for regional candidates to attend training sessions. Some submitters raised the following concerns: - Mandatory training will create a significant barrier for time poor candidates - Alternative training options to be made available for candidates in regional and rural areas - Training should start no later than early October 2019 - Councillor responsibilities and variance of the work to be included in the contents of the training - Training to be provided at a minimum annual basis.	The Belcarra report considered that the DLGRMA's information sessions play an important role in helping prospective candidates understand their obligations during the election campaign and also upon election as a Councillor. The CCC's recommendation 12 was that attendance at a DLGRMA session be made a mandatory requirement of nomination. The CCC considered this should apply to all candidates given that even some experienced Councillors in the 2016 elections were unaware of or uncertain of their obligations. This requirement would place a greater onus on candidates to understand their obligations and prevent ignorance from being used as an explanation for non-compliance. In response to recommendation 12 of the Belcarra report, the Government committed to giving further consideration to the content and timing of information sessions, whether it would be more appropriate for the ECQ to conduct the sessions and measures to ensure attendance and engagement by candidates is monitored. DLGRMA is currently considering various options (including face to face and web based delivery) for training. DLGRMA also notes the additional issues raised by submitters which are outside the scope of the Bill.
Cr Paul Golle	162 252	The submitter proposed that candidates should declare intent to run as candidate 18 months before election in order to complete additional mandatory training proposed by the submitter.	DLGRMA notes the issue raised by the submitter which is outside the scope of the Bill.

Submitters	Clause No.	Key points	Department's response
Pat Coleman	162 252	The submitter does not support the amendments on the basis that it is disproportionate and unconstitutional.	Noted. This is outside of the scope of the Bill.
		Conflict of Interest	

FNQROC/ NWQROC/ NQROC, Balonne Shire Council, Burdekin Shire Council, LGAQ, OSCAR, Brisbane Residents United, Sunshine Coast Regional Council, Whitsunday Regional Council, Redlands2030, Property Council of Australia, Independent Assessor, Isaac Regional Council, Banana Shire Council, QLS	7
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		Some submitters raised the following concerns:
		- Declaring confidential or private details of name and nature of interests could potentially put someone at risk or cause harm
		- Timing of the commencement of the changes to be deferred until proper training has been provided to Councillors. Further, LGAQ submitted that consideration be given to transitional provisions to rectify unintentional consequences arising from the 2018 conflict of interest amendments
		- Do not support excluding ordinary business matters, in particular planning schemes
		- A bloc or clique can operate to allow their colleague with a declarable conflict of interest to deal with a matter in the public interest
		- Simpler procedure for determining whether a Councillor should stay in or leave a meeting
		- Continuous changes to the conflict of interest framework in a short period of time
		- Definition for sponsored hospitality benefit:
		  - should include contribution paid for by the Commonwealth Government and
		  - is unclear about travel or accommodation benefits supplied as value in kind contribution
		- The proposed 'influencing offence' has a broader application than the current offence which may have unintended consequences. The Independent Assessor is of the view that the offence should also apply before a matter is on the agenda or before a council decision maker but only in clearly articulated circumstances outlined on page 9 of the Independent Assessor's submission
		- Further clarity around gifts and loans received outside a 'relevant term'
			The Bill amends the LGA and COBA to insert new provisions to deal with the management of Councillor conflicts of interest. These provisions will apply where Councillors are participating in decisions under an Act, a delegation or other authority as well as in a Local Government meeting. Particular matters which are ordinary business matters will be excluded from the operation of the conflict of interest provisions.
			
			The obligation to disclose the name and nature of interest of other parties is equivalent to current requirements for material personal interests and conflicts of interests (refer section 175C(2) and s175E(2) of the LGA). DLGRMA has considered restricting the information which should be disclosed to deal with "at risk" situations but it is not proposed to take this forward at this point.
			
			Training on the new provisions will be provided by DLGRMA.
			
			In relation to comments that Councillors may vote on other Councillors' declarable conflicts of interests in blocs, the LGA and *City of Brisbane Act 2010* (COBA) require that Councillors must perform their responsibilities under those Acts in accordance with the Local Government principles. Conduct which adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions or exercise of the Councillor's powers is misconduct (s150L(1)(a) LGA). Disciplinary action for misconduct includes suspension or removal from office.
			
			The 'influencing offence' in s150EZ LGA applies to a Councillor who has a prescribed conflict of interest or declarable conflict of interest in a matter as defined in s150EG, 150EH, 150EI, 150EN and 150EO. There is no limitation in the offence that the matter must be on the agenda of Council or formally before a Council decision maker. However, it applies in relation to a person who is participating in a decision of the Local Government relating to the matter which, under

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		- Concerns that inappropriate behavior will continue outside of official meetings - Concerns that Councillors will be ruled out of considering matters due to unrelated electoral donations received by a Councillor or a political party - Close associate of a Councillor may bear no relation to the appropriateness of a Councillor making a decision on a matter - Some of the offence provisions under new ch5B are broad. See sections outlined on page 4 of QLS's submission - May capture conduct that inadvertently breaches the new provisions - Querying whether the maximum financial penalties should be increased to respond to offences for conduct where a Councillor may obtain a significant financial profit.	the definition in s150EE, requires that the person is considering, discussing or voting on the decision in a Local Government meeting or is considering or making the decision under an Act, a delegation or another authority. The matters raised by the Independent Assessor will be further considered by DLGRMA prior to debate of the Bill. The Bill provides that a prescribed conflict of interest arises where a Councillor, group or party has received electoral gifts or loans or sponsored hospitality benefits totaling $2,000 or more during a relevant term from a person or entity with an interest in a matter before Council. Section 150EG(3) provides that for working out the total gifts or loans given to a group of candidates or political party, the amount must be divided by the number of candidates in the group or political party. Gifts or loans received outside the relevant term would not be prescribed conflicts of interest but may amount to declarable conflicts of interest if they fall within the definition in s150EN and 150EO. In relation to concerns raised by the QLS that offences are broad and may capture inadvertent breaches, the Bill provides for obligations on Councillors to be followed when the Councillor first becomes aware that the Councillor has a prescribed conflict of interest or declarable conflict of interest. The Councillor must give notice to the CEO or Local Government meeting as appropriate (s150EL, s150EM and s150EQ). For a declarable conflict of interest, the Councillor must stop participating in and must not further participate in a decision when they become aware of their declarable conflict of interest (s150EQ). The Councillor may participate in the decision if eligible Councillors decide they may participate in the decision, including under any conditions imposed by eligible Councillors (s150ES). The explanatory notes for the Bill, at page 45 – 47, address the fundamental legislative principle that the consequences imposed by legislation should be proportionate and relevant to the actions to which the consequences are applied by the legislation.

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LGAQ, Independent Assessor	6 107	Some submitters proposed the following changes to the Bill: - Retaining current regime for declaring personal interests to continue to allow for a peer review of Councillors' personal interests - In addition to disclosing a declarable conflict of interest the Bill should provide a formal mechanism for a Councillor to disclose a personal interest and ask council to discuss and vote on whether that personal interest amounts to a declarable conflict of interest.	The Bill proposes a process for eligible Councillors to decide whether a Councillor with a conflict of interest may participate in a decision and to impose any conditions on the Councillor's participation (s150ES). The Bill also proposes that a Councillor may voluntarily comply with the provisions in relation to personal interests in an ordinary business matter (s150EF). In this case the personal interests are taken to be a declarable conflict of interest and the provisions apply as if eligible Councillors had, under section 150ER(2) decided that the Councillor has a declarable conflict of interest. These matters are currently being considered by DLGRMA prior to debate of the Bill.
Balonne Shire Council	6 107	The submitter sought an exemption to conflict of interest requirements where a natural disaster has been declared.	The Bill applies in relation to matters where a Councillor may participating in a decision on a matter. The Bill does not provide for an exemption where a natural disaster has been declared. It is not proposed that this forms part of this Bill but will be considered by DLGRMA as part of future reforms.
Burdekin Shire Council, Balonne Shire Council, LGAQ, Sunshine Coast Regional Council, Independent Assessor, QLS	6 107	Some submitters have raised the following issues with the drafting of the Bill: 1. s150EE – reference to 'other persons' requires further explanation or is too broad; reference to 'Local Government meeting' too broad 2. s150EE(a) – the section is unclear with the omission of the definition of 'Local Government meeting' from s150C and should be included in the general definitions 3. S150EF and 150EL: splitting of ordinary business matters is confusing 4. S150EF(1)(b) – expand to include 'part of' a planning scheme 5. s150EI – the words 'or relates to' should be removed 6. s150EJ – definition of 'close associate': - needs refinement as outlined on pages 3 and 4 of LGAQ's submission	1. The reference to 'other persons' in s150EE is in relation to other persons participating in a decision in a Local Government meeting or under an Act, delegation or other authority. In the new provisions, the influencing offence in section 150EZ provides that a Councillor with a prescribed conflict of interest or declarable conflict of interest in a matter must not direct, influence, attempt to influence or discuss the matter with another person who is participating in a decision of the Local Government on the matter. This would include, for example another Councillor, the Chief Executive Officer or a Local Government officer deciding the matter under a delegation. 2. A new definition of 'Local Government meeting' identical to the definition in s150C is inserted into the LGA dictionary by clause 122. 3. The reference to section 150EL in the submission may be intended to be s150EO. Section 150EF provides that the conflict of interest provisions do not apply to certain matters, which were previously ordinary business matters. Section 150EO provides

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		- different to definition in *Local Government Electoral Act 2011* (LGEA) which may cause confusion - definition captures Councillors appointed as board members to Council owned entities and they will have a prescribed conflict of interest but not a declarable conflict of interest 7. s150EJ(2) – 'candidate' should be 'Councillor' 8. s150EL(4) and 150EQ(4) - declaring confidential or private details could potentially put someone at risk or cause them harm 9. s150EN and EO – clarify for declarable conflicts of interests that gifts to a group of candidates should be divided by the number of members in the group 10. s150EP - the definition of a 'related party' in relation to the reference to a close personal relationship with a Councillor is: - too broad and subjective - ambiguous and should be deleted or - a clear definition or examples 11. s150ER – whether provision is required 12. s150ES(2)(a) – queried the words 'have been decided by the Councillor under an Act, delegation or other authority' 13. s150ES(3) - the issues raised: - proposed conditions to be made explicit or - the application to a meeting context is impractical 14. s150ES(4) – impractical as it would require continued review of decisions made and applied about a Councillor 15. s150EZ – opposes the reference to 'discuss a matter with', for various reasons.	for certain situations were a person does not have a declarable conflict of interest, reflecting the current exclusions from conflict of interest in section 175D LGA. 4. The Bill provides that the conflict of interest provisions do not apply in relation to a matter that is solely or relates solely to a planning scheme or the amendment of a planning scheme. 5. The words 'or relate to' are intended to cover matters which are not directly about a contract, employment of the CEO or application to the Local Government, but are associated with these matters, for example matters that are preliminary to making a contract. 6. The reference to spouse, parent, child and sibling in the definition of 'close associate' reflects the wording in current section 175B of the LGA which applies to material personal interests. 'Related persons' referred to in the LGAQ submission are in relation to registers of interest. In this regard the amendments in the Bill reflect the existing scope of conflict of interest provisions and register of interest provisions. The definition of 'close associate' in the LGEA is more limited than the definition in the conflict of interest provisions in the LGA and COBA. The more limited definition is considered appropriate in relation to disclosure of interests of candidates. The definition includes an entity, other than a Government entity for which the Councillor is an executive officer or board member. This reflects the current provision for material personal interests (refer s175B LGA). This entity is also a related party for the purpose of declarable conflicts of interest (s150EF(a)) However, s150EF(2) provides that the conflict of interest provisions (in relation to both prescribed conflicts of interest and declarable conflicts of interest) do not apply if the conflict of interest relating to a corporation or association arises solely because of a nomination or appointment of the Councillor by the Local Government to be a member of the board of the corporation or association. 7. This comment is noted and further consideration and consultation will be carried out.

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			8. The Bill requires disclosure of details equivalent to that required under the current provisions (refer section 175C(2) and s175E(2) of the LGA). 9. The Bill provides that, in relation to prescribed conflicts of interest for working out the total gifts or loans given to a group of candidates or a political party, the amount of the gifts or loans must be divided by the number of candidates in the group or political party (s150EG(3)). This comment is noted and further consideration and consultation will be carried out. 10. The definition of 'related party' includes a person who has a close personal relationship with a Council to include a range of relationships which may give rise to a declarable conflict of interest. Eligible Councillors may consider the nature of this relationship when determining whether the Councillor may participate in a decision on the matter. 11. Section 150ER requires eligible Councillors to decide whether a Councillor has a declarable conflict of interest if another person informs the meeting of the Councillor's personal interests. This may arise if another Councillor is complying with their duty under s150EW to report another Councillor's declarable conflict of interest. Section 150EX provides for the obligation of the informing Councillor and how the conflict of interest provisions apply if the eligible Councillors decide the Councillor does have a conflict of interest. 12. Individual Councillors decide matters under delegation, Act or other authorities, for example, a Mayor or Councillor may be delegated powers under s257 and s258 of the LGA and the Mayor approves the allocation of discretionary funds under s202(4) of the Local Government Regulation. 13. The imposition of conditions, if any, is a matter for the eligible Councillors to determine depending on the individual circumstances of each situation. 14. Section 150ET(4) provides that a decision about a Councillor under s150ES (including whether the Councillor may participate in a decision or whether to impose a condition on the Councillor's participation) applies in relation to the Councillor for participating in the decision, and all subsequent decisions, about the matter.

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			15. Section 150EZ provides that a Councillor with a conflict of interest must not discuss a matter with another person who is participating in the matter, including another Councillor or a Local Government employee acting under a delegation. Section 150EL and s150EQ sets out the obligations of Councillor that apply when the Councillor becomes aware that they have a prescribed or declarable conflict of interest in a matter.
Pat Coleman	6 107	The submitter does not support the amendments on the basis that Councillors being able to vote without quorum is against all principles of democracy.	The Bill provides in s150ET that if the number of eligible Councillors is less than a majority or the eligible Councillors do not form a quorum, the eligible Councillors may decide whether a Councillor has a declarable conflict of interest under s150ER or whether a Councillor with a declarable conflict of interest may participate in a decision under s150ES. The eligible Councillors may not make a decision on the matter itself. Currently the legislation deems that no quorum can be reached where a majority of Councillors declare a personal interest. The Bill seeks to amend this by referencing conflicts of interest rather than merely personal interests. This reflects feedback from stakeholders indicating quorum issues are arising when Councillors have merely declared personal interests which may or may not be declarable conflicts of interest.
Caretaker			
Balonne Shire Council, LGAQ, Banana Shire Council, Property Council of Australia	14 122	Some submitters opposed the amendments for the following reasons: - Prohibition on adoption of planning schemes and variation of existing development approvals is problematic - Statutory requirements in relation to timelines under the *Planning Act 2016* for planning applications/variations should not be impacted by caretaker - Planning decisions are already regulated under the *Planning Act 2016* including assessment and approval regime - Varying development applications are normally delegated to council officers and any restrictions on	The Bill amends the definition of 'major policy decision' in the LGA and the COBA to prescribe additional decisions that a Local Government is prohibited from making during a caretaker period without the Minister's approval, including decisions in relation to planning matters. The proposed amendments, in part, are a result of DLGRMA receiving complaints about Local Governments making major planning decisions during caretaker that bind future Local Governments. While the Bill does not allow Local Governments to make decisions about matters such as amending planning schemes, changing planning rules or developing new local area plans during a caretaker

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		decision making relating to new or varied development applications should be confined to applications that require a decision from the full Council.	period, Local Governments will be able to continue to make decisions about development applications, subject to the statutory timeframes for making such decisions under the *Planning Act 2016*. The proposed changes in relation to planning decisions have been developed in full consultation with the Department of State Development, Manufacturing, Infrastructure and Planning. It is worth noting that the Bill does not affect the Minister's powers under the LGA (s90B) and the COBA (s92B) to allow a Local Government to make a major policy decision during a caretaker period if satisfied that, having regard to exceptional circumstances that apply, it is necessary for the Local Government to make the major policy decision in the public interest. The prohibition upon variations to existing development approvals is intended to be a narrow provision. In general, a 'variation request' under division 2, part 3, chapter 3 of the *Planning Act 2016* is a specific type of application that involves an application to effectively change the planning scheme. It is not intended to capture all variations.
FNQROC/ NWQROC/ NQROC, Burdekin Shire Council, Sunshine Coast Regional Council	4 14 60 122	Some submitters raised concerns and suggested consideration/clarification in relation to the following: - Further consideration for items which take a long time to consider such as planning schemes - Concerned about proposed prohibition on varying existing development applications - Restrictions on procurement decisions may impact on timely decisions being made during disasters and emergencies - Definitions of 'control' and 'controlled entity' are unclear and suggested examples be included - Clarification on the term 'using', whether this is via council minute or delivery.	The concerns raised in relation to planning decisions are addressed directly above. Other decisions that Local Governments are prohibited from making under the Bill during a caretaker period relate to particular procurement activities that can be used to establish an exception to obtaining quotes or tenders when entering into a contract, such as decisions relating to preparing a quote or tender consideration plan or making a register of pre-qualified suppliers. These restrictions will not impact on the timely procurement decisions that Local Governments sometimes need to make during natural disasters and emergencies. Further, the Bill amends the LGA (s90D) and the COBA (s92D) to provide that as well as a Local Government, a controlled entity of a Local Government, is prohibited from publishing or distributing election material during a caretaker period and inserts definitions of

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			'control' and 'controlled entity' for this purpose. It is not considered necessary to include examples for these definitions. The definitions are based on the definitions of 'control' and 'controlled entity' in s5 of the *Auditor-General Act 2009* and are considered to be clear. DLGRMA is unable to provide clarification in relation to the term 'using' as the term is not used in the Bill with respect to the caretaker provisions.
OSCAR, Brisbane Residents United, NQROC	N/A	Some submitters proposed the following changes to the current process: - In relation to contracts, the 1 per cent of rates option is too generous and should be removed or alternatively amended to be the lower of $200,000 or 1 per cent of rates - Setting a cap based on the proportion of total budget revenue or rates revenue, may be more appropriate - Proposal to amend process to include a materiality threshold for procurement exceptions in the Local Government regulation as exists for major contracts. -	Noted. These matters are outside of the scope of the Bill.
Postal Ballots			
FNQROC/ NWQROC/ NQROC, Balonne Shire Council, LGAQ, Banana Shire Council	166	Some submitters have opposed the amendments for the following reasons: - No issues with current process and the decision should be for Councils in collaboration with ECQ - Councils to be given their own discretion to conduct postal ballots and should be a readily accessible option for councils with sparse population or impacted by monsoonal flooding. (references LGAQ 2018 resolution).	Under the current process for postal ballots, a Local Government must apply to the Minister for a poll to be conducted by postal ballot if the Local Government's area includes a large rural sector, large remote areas or extensive island areas (section 45 LGEA). As the way an election is conducted has operational impacts on ECQ, the Bill provides that the Minister must refer the application to the electoral commission for recommendation about whether the application should be approved (s45AB LGEA).
Redlands2030	166	The submitter proposed that changes should be made to ensure that elections in major Councils are not held on a postal vote basis unless there is clear evidence that a majority of the community support the change.	The Bill provides for a number of matters to which the electoral commissioner and the Minister must have regard in making their recommendation and decision respectively.

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State Intervention Powers			
OSCAR	61 62 63 64 65 66 67 68	The submitter requested the following be considered: - that DLGRMA develop a more definitive list of factors that determine public interests. However, accepts the term 'public interest' is not defined at this stage to allow the phrase to evolve over time to reflect community expectations - That a definition for 'public interest' be considered in the interest of transparency and providing some certainty to the intended application of the sections.	Relevant factors in determining 'public interest' are outlined in the explanatory notes to the Bill (refer page 23). As noted in the explanatory notes the term 'public interest' is not defined. This is intentional, to permit the phrase to evolve over time to reflect community expectations over time. This particular issue formed part of the Belcarra Stage 1 Bill and this current Bill does not propose any amendments to the concept of public interest.
QLS	68	The submitter is concerned that the amendments have the effect of removing the requirement that the Minister 'reasonably believes' that a decision is unsound, a Councillor should be removed or a Local Government should be suspended and considers that either: 1) The word 'reasonably' be reinstated or 2) 'Belief' be defined as 'on the evidence before the Minister, on the balance of probabilities', there is a reason to exercise the powers in these provisions. Further, QLS suggests that there should be a preference that information about the remedial action taken by the Minister under amended sections 116(4), 122 and 123 should be published unless there is a sound reason for not doing so.	DLGRMA notes the QLS made the following correction at the public hearing of 27 May 2019: 'We would also like to clarify one aspect of our written submission on this point. The written submission refers to sections 122 and 123 of the LGA being amended to change the standard of proof from 'reasonably believes' to 'believes'. The society notes that this change is not proposed for the two sections. However, we also note that the standard of change is proposed for the power of the chief executive to recommend remedial action, appoint an adviser and appoint a financial controller.' DLGRMA's view is that the drafting of the provisions achieves the policy intent.
Balonne Shire Council, LGAQ, Banana Shire Council		Some submitters requested that the Minister reiterate his commitment to review 'public interest' powers within 2 years of introduction.	This comment is noted, however, the submitters' request is outside of the scope of the Bill.
Councillor Access to Information			
FNQROC/ NWQROC/ NQROC, Balonne Shire Council, LGAQ,	47 147	Some submitters have opposed or are concerned about the amendments for the following reasons: - 5 business days time limit may not be reasonable on the CEO and should be deleted or alternatively be changed to 10 business days	The Bill amends the LGA (s170A) and the COBA (s171) to provide that a CEO must comply with a request made to the CEO by a Councillor for advice or information within 10 business days after receiving the request or within 20 business days after receiving the request if the CEO reasonably believes it is not practicable to comply

Submitters	Clause No.	Key points	Department's response
Banana Shire Council, LNP Administration Councillors of BCC		- Non-compliance by CEO should not be an offence and should be removed - Time of Council staff may be taken up dealing with requests rather than core business of Council - Council should be able to establish their own policy - Notes differences to State system in relation to information requests and penalties relating to procedural responsibilities.	with the request within 10 business days. The maximum penalty for failing to comply with this requirement is 20 penalty units. The amendments reflect the importance of Councillors acquiring in a timely manner all the advice and information needed to carry out their responsibilities and to make informed decisions in the public interest.
Paul Golle	47 147	The submitter suggested changes to provide that Councillors need to be given access to all documents held by Council within 7 days of request.	The proposed timeframe of 10 business days (or 20 business days if the CEO reasonably believes it is not practicable to comply with the request within 10 business days and gives the Councillor written notice of the belief) is considered appropriate and fair for all parties.
Reversal of Onus of Proof			
Torres Shire Council, QLS	51 144 244 246	Some submitters raised the following concerns: - Presumption of innocence until proven guilty - A person could be charged in circumstances where the person had an honest and reasonable mistake (rather than deliberate law breaking). Appropriate safeguards should be put in place - Legislation should not reverse the onus of proof in criminal proceedings without adequate justification - The proposed reversal does not fall within the acceptable 'limits' of when a reversal might ordinarily be justified in the Qld Legislation Handbook - A reversal of the onus of proof should not be introduced merely for administrative convenience for prosecution.	Legislation should not reverse the onus of proof in criminal proceedings without adequate justification. The Belcarra Report recommendation 7 recommended the inclusion of a provision to deem a gift and the source of a gift to be within the knowledge of persons required to lodge a return under the LGEA for the purposes of proving particular offences under that Act to increase transparency of donations for the benefit of voters and to ensure that candidates inquire about, and have full knowledge of, the true sources of their campaign funds. Recommendation 21 of the Belcarra Report recommended amendments to deem a gift and source of the gift referred to in recommendation 6 be deemed to be at all times within the knowledge of the Councillor for the purposes of chapter 6 part 2 divisions 5 and 6 of the LGA and COBA to address concerns that a conflict of interest may be 'washed away' by virtue of a donation being made via a third party. To ensure that recipients are aware of the source of gifts or loans, the Bill (clause 235) inserts new section 121B into the LGEA which provides that if an entity makes a gift or loan of a value of $500 or more to a candidate, group of candidates or registered political party, or a gift of a value of $500 to a third party to enable political expenditure, the entity must, when making the gift or loan, give the recipient notice of the relevant details of the gift or loan and, if the entity is not the source of the gift or loan, the entity must also give the recipient notice of that fact along with relevant details of the entity that

Submitters	Clause No.	Key points	Department's response
			is the source of the gift or loan. The maximum penalty is 20 penalty units. New section 121A of the LGEA provides for when an entity is the source of a gift or loan.
Torres Shire Council		The submitter raised concerns about the effectiveness of the proposed anti-corruption measure and how it will impact on anonymous donors. Further consideration should be given where donors wish to remain anonymous.	The LGEA section 119, as amended by clause 231 of the Bill, prohibits receiving anonymous gifts. The policy objective of the Bill is to continue the Government's rolling reform agenda guided by four key principles of integrity, transparency, diversity and consistency.
Postal Voting Applications			
FNQROC/ NWQROC/ NQROC, Mareeba Shire Council	177 178	Some submitters have raised the following concerns: - The time for lodging a postal vote application should be 10 or 14 days and be dependent on timing of nomination day - The time for lodging a postal vote application should be 15 days (Friday that is two weeks before election) - Risk of voters being disenfranchised due to reduced access to postal voting options would seem to outweigh any possible benefit of reducing delays in counting postal votes.	Soorley Report Recommendation 41 is that applications for postal votes be submitted to ECQ as soon as possible and no later than 10 working days prior to the election. In response the Government noted it would undertake a comprehensive review of early voting processes including postal and pre-polling in preparation for the next ordinary general State election (for the inaugural four year fixed parliamentary term) and the next Local Government elections. The 12 day cut-off date for postal vote applications for all electors will mean that those who request a postal vote have the reasonable prospect of the postal ballot being received before polling day. Those electors who are likely to require a postal vote will need to make their request earlier than they presently do. An elector whose address is more than 20 kilometres from a polling booth may apply to be included on the register of special postal voters in advance of an election and will automatically be sent a postal ballot once the election period commences. Electors in many Local Government areas have access to pre-poll voting. Telephone voting is also available to a wide cohort of persons. The earlier cut-off is intended to minimise electors being unexpectedly disenfranchised due to the practical limitations of reliance on the postal network.
Judicial Review			
QLS	11 118 189	The submitter raised concerns about the exclusion of the *Judicial Review Act 1991*, as there should be no restriction on the availability of judicial reviews for decisions.	The amendments do not expand on the current provisions relating to judicial review. DLGRMA notes that QLS accepts that the amendments acknowledge the Supreme Courts supervisory jurisdiction in matters concerning jurisdictional error.

Submitters	Clause No.	Key points	Department's response
		Councillor Complaints	
LGAQ, Banana Shire Council	79	Some submitters raised concerns about the broad scope of the proposed new section 150TA, including the reference to 'Local Government employee'. A suggestion was made to limit the section's application to CEOs only.	The comment is noted.
Independent Assessor	79	1. The Independent Assessor is of the view that it should be able to investigate the alleged or suspected corrupt conduct or misconduct of Council employees where that conduct is connected to the conduct of a Councillor, whether that conduct is referred by the CCC, Local Government, Local Government official, member of public or is identified during an Office of the Independent Assessor own motion investigation. 2. Further, there should be a mechanism in the Act similar to current section 150AA which allows the Office of the Independent Assessor to refer the conduct of a Council employee back to Local Government to be dealt with on a disciplinary basis. 3. Recommends that a provision be inserted that allows the Office of the Independent Assessor to disseminate and or share information with other relevant agencies. 4. Recommends current Act be amended to allow the Office of the Independent Assessor to refer inappropriate conduct directly to Local Government for investigation and that the section 150AA process be retained only for Office of the Independent Assessor referrals to Local Government where no investigation is required and the matter is referred for the Council to consider whether inappropriate conduct has been sustained and to apply a sanction.	Comments 1 and 2 - the policy intent is not to permit the Office of the Independent Assessor to have jurisdiction with respect to Local Government employees with respect to misconduct. It is appropriate that other agencies such as the CCC remain the investigating and assessing agency. Comment 3 – this is considered an administrative matter, not a legislative matter and no changes are proposed. Comment 4 – this comment is noted and DLGRMA will further consider prior to debate of the Bill. It is DLGRMA's view that this amendment would improve the efficiency of the handling of complaints. Comment 5 – the LGA s150DY requires the disclosure of Local Government decisions about suspected inappropriate conduct in the Local Government's Councillor Conduct register, including a summary of the decision, the reasons for the decision and the name of the Councillor about whom the decision was made. The register is available on the Local Government's website. No further changes are proposed.

Submitters	Clause No.	Key points	Department's response
		5. Recommends that the Act be amended to require Local Governments to advise the Independent Assessor of the outcome of inappropriate conduct matters referred by the Independent Assessor and that a mechanism be provided for the Independent Assessor to monitor and/or review disciplinary decisions of Local Government if to do so is reasonably necessary to uphold ethical standards and to promote and maintain public confidence in Local Government Councillors.	
Redland City Council	N/A	The submitter is of the view that all complaints should be dealt with independently (except in meetings) by the Office of the Independent Assessor and no complaints are referred to Local Governments to be dealt with. Further the submitter is concerned about Councils deciding on the penalty rather than the Independent Assessor who evokes independence and transparency.	The Bill does not contemplate changes to the LGA in relation to the independent assessor referring inappropriate conduct complaints to Local Governments to deal with or who decides the penalty for inappropriate conduct. For information, the disciplinary action a Local Government can take against a Councillor for inappropriate conduct is prescribed in the LGA s150AH and must be disclosed in the Local Government's Councillor Conduct Register under the LGA s150DY.
EDO	N/A	The submitter suggests that the CCC be allowed to investigate disciplinary breaches by Councillors and corrupt conduct of unsuccessful candidates.	Noted. These matters are outside of the scope of the Bill.
Election and Elector Information			
Balonne Shire Council, LGAQ, Banana Shire Council	219	Some submitters have raised concerns that the information requested could be highly intrusive.	The explanatory notes to the Bill acknowledge that the proposal is potentially inconsistent with the fundamental legislative principle that legislation should not adversely affect rights and liberties by allowing political parties, groups of candidates and elected Councillors access to the personal information of voters. Making this information available will assist the analysis of the demographics and patterns of voting at polling booths and changes in those demographics and patterns over time. It will also assist in communicating relevant information to electors (for example, where the location of polling booths change between elections). The information will also assist political participants to communicate with electors using methods consistent with voting trends. This will allow voters to be better informed in performing their duty to vote.

Submitters	Clause No.	Key points	Department's response
			The provision is also consistent with the approach in New South Wales, Victoria and the Commonwealth. As an additional safeguard, the related offence provision is cast broadly providing that a person must not use, disclose to another or allow another person to access elector information unless the use, disclosure or giving of access is for a purpose related to an election.
Electoral Funding and Financial Disclosures			
FNQROC/ NWQROC/ NQROC, Balonne Shire Council, LGAQ, Banana Shire Council, Brisbane Residents United, Isaac Regional Council, Torres Shire Council, Cr Wendy Boglary	196 220 222 225 226 230 238 251	Some submitters have requested clarification and raised concerns about the following: - Clarification as to whether expenditure is placing an order or paying for it - Concerns with section 109: o Reference to industry or occupation of donor o Donors could mask their identity by providing misleading information o Who makes the determination as to whether an individual's occupation and employer is disclosable? o Scope of details to be disclosed o Whether failure to disclose should be an offence o Privacy implications for individuals - Concerns about the administrative burden that may be placed on smaller community groups who are seeking to engage with the political process. Further the amendments may have a negative effect on public discourse and limit opportunities for under resourced community groups to engage with Council candidates. Suggest the following amendments: o Raise the threshold for third parties to $1000 or more clearly define third parties o Exclude certain expenditure, for example, hosting candidate forums from being treated as electoral expenditure - Query whether in-kind support given to community groups would need to be disclosed	- In relation to when expenditure is incurred, clause 226 of the Bill inserts a new section 112A in the LGEA which provides that expenditure is incurred for goods or services when they are delivered or provided, for advertising when the advertisement is broadcast or published and for production and distribution of material for an election when the material is distributed. The amendments also provide that a regulation may prescribe when expenditure of another kind is incurred. - In relation to section 109 of the LGEA, recommendation 18 of the Belcarra Report was that the section should be amended. The Government's response supported recommendation 18 on the basis that it will lead to greater transparency and noting that further analysis would be undertaken to clarify the scope of details to be disclosed, privacy implications for individuals, who makes the determination (for an individual) as to whether their occupation and employer is applicable, and whether failure to disclose should be an offence. Clause 225 of the Bill replaces current section 109 of the LGEA and outlines the scope of the details to be disclosed. The clause requires the individual's industry, rather than employer, to be disclosed. Part 6 of the LGEA (as amended by the Bill) provides for a range of disclosure requirements to include 'relevant details' as defined in section 109. The LGEA section 195 (as amended by clause 196) provides for offences in relation to returns under part 6. - In relation to third parties, the threshold of $500 is consistent with the current disclosure requirements under the LGEA. Clause 220 of the Bill amends the definition of third party. Clause 238 of the Bill inserts a definition of electoral expenditure which includes gifts in kind. Clause 222 of the Bill amends the definition of gift

Submitters	Clause No.	Key points	Department's response
		- May be necessary for the State Government to provide additional resources to smaller community groups so they can more easily comply with gifts disclosure requirements - Clarification about when the requirement for election expenditure records are to be kept from - Section 107 definition of gifts is not clear about accumulation of the value of gifts - Clarification on consequences under section 125A if a third party did not disclose expenditure for a candidate or a group of candidates and how 'mate rates' for candidates can be more accountable.	and provides that a gift includes disposition of property or provision of a service - In relation to records of election expenditure, clause 251 inserts section 218 which provides for disclosure of electoral expenditure incurred during the period starting on the day the Bill was introduced (1 May 2019) and ending on the commencement. - In relation to accumulation of gifts, while clause 222 amends the definition of gift in the LGEA section 107, current section 117(5) of the LGEA and new section 118A(5) (clause 230) provide for the value of a gift where the same entity gives more than one gift. - In relation to new section 125A, the LGEA part 9 division 5 provides for offences in relation to breach of this provision
QLGRA	13 121 196 238	The submitter proposed the following amendments: - Candidate to be directly responsible for all donations towards their election campaign. 2500 penalty units and/or 12 months imprisonment to apply for non-compliance - More paperwork, corresponding returns to ECQ regarding declarations and donations in kind. - Donations in kind limited to $200 - Real time funding declarations. Declared on a weekly basis. Acceptance of all donations cease 7 days prior to polling day with final real time declarations posted by 4:00pm Friday prior to polling. Controlled on ECQ website.	The policy objective of the Bill includes implementing the Government's policy in relation to a range of Belcarra Report recommendations, including increasing penalties and prescribing additional integrity offences. The LGEA currently provides for real time disclosure of donations. The Bill provides for real time disclosure of expenditure.
Dedicated Accounts			
Cr Paul Bishop, Whitsunday Regional Council, QLS, Redland City Council, QLGRA, Cr Wendy Boglary	186 187 188	Some submitters raised the following concerns and suggestions: - Candidates should be held to the same level of conduct accountability as current Councillors seeking reelection in relation to candidates providing details about dedicated accounts when nominating and prohibiting candidates and groups of candidates from using credit cards to pay for campaign expenses - There is a lack of evidence for these amendments	Section 126 and 127 of the LGEA provide that candidates and groups of candidates must operate a dedicated account with a financial institution if the candidate or group of candidates receives or pays an amount for the conduct of the candidate's or group's campaign. Candidates must take all reasonable steps to ensure that requirements in relation to the operation of their dedicated accounts comply with the requirements in sections 126(2) to (7) and 127(2) to (7). A maximum penalty of 100 penalty units applies.

Submitters	Clause No.	Key points	Department's response
		- Supportive of candidates being permitted to use a credit card for election expenditure purposes - Provision for credit card all expenditure – legislation cannot restrict election advertising - Prohibiting the use of credit cards could be detrimental to independent and self-funded candidates because they are not party or group aligned and do not receive donations or have direct access to funds - Only funds deposited in dedicated account to be used for election purposes, suggests penalty 250 penalty units section 126 - Suggests ECQ approval for bank card in candidate's name; account to be in candidate's name, campaign manager's name or the partner's name.	To implement the Government's response to recommendation 14 of the Belcarra Report the Bill inserts new section 127A of the LGEA to provide that an amount paid from a dedicated account may be paid in one, or a combination, of the following ways: - an electronic funds transfer transaction - debit card that withdraws the payment directly from the account - cash withdrawn from the account. The existing offences in section 126 and 127 of the LGEA will apply in relation to payments that do not comply with these requirements. Further, the Bill inserts new section 127B which provides that a candidate must not use a credit card to pay an amount for the conduct of the election campaign of a candidate or group or candidates or pay an amount out of a campaign account to pay a charge incurred using a credit card. A maximum penalty of 100 penalty units will also apply for this offence. To implement the Government's response to recommendation 15 the Bill amends section 27 of the LGEA and section 41 of the LGEA to provide that a nomination form for a candidate and record of membership in a group of candidates must contain information about the candidate's or group's dedicated account.
Group Campaign Activity			
Redlands2030, Moreton Bay Regional Council, QLS	248	Some submitters raised the following concerns: - Unintentionally capturing localised and unplanned cooperation that occurs during election campaigns - Offence provisions are significant as they constitute an integrity offence and any reasonable level of uncertainty around whether an action may constitute an integrity offence is undesirable - The material provided does not demonstrate that there is data supporting the need for prescribing the offence as an integrity offence.	The Bill provides that a group campaign activity must be carried out in an intentionally coordinated way by or for 2 or more candidates for the election. The offence applies to any person who engages in a group campaign activity unless the activity relates to candidates who are members of the same group or candidates endorsed by the same political party. The amendment implements the Government's policy in relation to recommendation 5(a) of the Belcarra Report. The Belcarra Report found that a number of candidates in the 2016 election engaged in practices that either breached the group provisions of the LGEA or led to strong perceptions of such breaches that can in turn have adverse effects on public confidence. These circumstances make it difficult for voters to understand the true nature of relationships

Submitters	Clause No.	Key points	Department's response
		Also, clarification was sought in relation to third party entity which appears to act as if controlled by a candidate or group can be deemed to be part of that candidate's campaign.	between candidates and may, at worst, reflect deliberate attempts to deceive voters (page 57). Given the importance associated with improving transparency around the intention of candidates to operate as a collective as identified in the Belcarra Report, prescribing this offence as an integrity offence is considered proportionate and reasonable and will provide for an adequate deterrent for candidates engaging in group campaign activities who fail to comply with their legislative obligations to register as a group of candidates.
RTI exemption			
LNP Administration Councillors of BCC	257 258 259	The submitter raised that the RTI exemption was included for the same governance reasons that are used to justify cabinet in confidence protections enjoyed by the State Government's cabinet. The submitter also references the Labor review and other reasons for their concerns in their submission.	The Bill amends the *Right to Information Act 2009* to remove the current right to information exemption that applies to information of BCC's Establishment and Coordination Committee. The amendments improve transparency around BCC decision-making and align the regimes across all Local Governments in Queensland. Under the Bill, any information of the Committee that was exempt information before the commencement continues to be exempt information for 10 years after the date the information was most recently considered by the Committee before the commencement or the date the information was brought into existence.
Disclosure of candidate interests			
Burdekin Shire Council, Brisbane Residents United, Moreton Bay Regional Council	202 252	Some submitters raised the following concerns and suggestions: - That different definitions for 'close associate' in the LGA and LGEA may lead to confusion. Perhaps use a different term - Requests clear definition for 'close associate' - The Bill be amended to reflect the recommendation of the CCC by requiring candidates to provide the same level of detail as that required to be provided by sitting Councillors.	The definition of 'close associate' in the LGEA is more limited than the definition in the conflict of interest provisions in the LGA and COBA. The more limited definition is considered appropriate in relation to disclosure of interests of candidates. DLGRMA's view is that the drafting of the provisions achieves the Government's policy intent in relation to recommendation 3 of the Belcarra Report. The amendments will ensure that voters have access to information about a candidate's affiliations and interests.

Submitters	Clause No.	Key points	Department's response
		Councillor register of interests	
QLS	48 49 50 148 149 150	The submitter raised the following concerns: - Although the obligations are similar to State Members of Parliament, Councillors do not receive nearly the same level of resources and training, and these obligations place a significant compliance burden on Councillors - The penalty for failing to comply appear to be highly disproportionate, particularly where the failure may be unintentional and could also potentially be as a result of unintentional failure to identify an interest associated with a person related to the Councillor.	The Bill introduces new requirements/penalties in relation to a Councillor's register of interests. The proposed maximum penalties of 100 penalty units for failing to correct a register of interests within 30 days after a change happens or failing to provide an annual confirmation that a register of interest is correct and complete are equivalent to the existing maximum penalty under the LGA and the COBA for intentionally failing to correct a register of interests within 30 days after a change happens. The consequence of a person ceasing to be a Councillor if the person does not inform the CEO of their interests and the interests of a person related to the Councillor within 30 days after the day the Councillor's term starts or a longer period allowed by the Minister is identical to the consequence for a Councillor failing to make the declaration of office within one month after being appointed/elected or a longer period allowed by the Minister. The amendments promote the public interest ahead of the private interests of Councillors and enhance Local Government transparency, accountability and integrity. DLGRMA will ensure that training is provided to Councillors with respect to these requirements.
		Multi-member divisions	
OSCAR	56 57 58 59	The submitter queried whether the amendment would meet the community test with respect to cost.	The number of Councillors for a Local Government is determined through the process for change set out in chapter 2 part 3 of the LGA. Under this process, the Change Commission is responsible for assessing whether a Local Government change proposed by the Minister is in the public interest. The Governor in Council may implement the Change Commission's recommendation under a regulation. The Bill proposes to amend the definition of 'Local Government change' to include a change of the number of Councillors for a Local Government or divisions of a Local Government.

Submitters	Clause No.	Key points	Department's response
		Reproducing ballot papers	
Pat Coleman	173	The submitter commented that there will have to be strict compliance and methods of establishing that the ballots issued are for people marked off the roll.	Section 75 of the LGEA provides that an issuing officer must give an elector a ballot paper if the elector gives the issuing officer the elector's full name and address and the issuing officer is satisfied the elector is entitled to vote at the election. This process will apply if the ballot paper is reproduced at a polling booth.
		Maximum Penalty and Integrity Offences	
QLS	13 53 121 152 188 190 191 195 196 248	The submitter is concerned that without evidence of a sufficient nexus between the offence and likelihood of imminent risk of physical or significant harm to the public interest, prescribing additional integrity offences under the LGEA and proposed increases in maximum penalties raises a question of proportionality.	The proposed amendments to maximum penalties and offences that are integrity offences implement the Government's response to a number of recommendations of the Belcarra Report. The Belcarra Report made 31 recommendations to improve equity, transparency, integrity and accountability in Council elections and decision-making. The explanatory notes for the Bill, at pages 37 – 49, address the fundamental legislative principle that the consequences imposed by legislation should be proportionate and relevant to the actions to which the consequences are applied by the legislation.
		Others	
Burdekin Shire Council, Cr Paul Golle, NQROC, Wildlife Qld, EDO, QLGRA, Redlands 2030, Gecko, Balonne Shire Council, LGAQ, Banana Shire Council, FNQROC/ NWQROC/ NQROC, Mareeba Shire Council,		Some submitters have provided comments or requested amendments on the following matters: - 24 hour Real Time Disclosure - Discretionary Funds for Councillors - Proportional voting - Expanding prohibition on electoral donations - Expenditure Caps for election campaigns - Public Funding for Local Government elections - Public Interest in planning context - Mayor votes to be counted first - Postal votes to be post marked on or before election day - Filling vacancies in the office of a Councillor - Betterment tax - Improving definition of 'lobbyists' and better enforcing existing limitations on lobbyists - Different process for election of Mayors - Prohibition on members of a political party from declaring themselves as independent candidates	The comments are noted. However, the matters are outside the scope of the Bill.

Submitters	Clause No.	Key points	Department's response
Pat Coleman		- Federal and state members of Parliament to be prohibited from campaigning for Local Government candidates - Candidates to declare intention to nominate 18 months before election - Mandatory statutory declarations for every pre-election promise - Candidates who are members of, affiliated with or financed by a political party to display this information on advertising, promotional material and how-to-vote cards - Penalties for offences to include disqualification from managing a company and personal responsibility to pay any debts associated with the offence - Regulate the use of corflutes - Retention of financial records - Councils to be prohibited from setting up investment corporations or industry advisory panels - Reduce pre-poll period from 2 weeks to 1 week - Abolish time limits for corruption prosecutions	