

Committee Secretary

Economics and Governance Committee

Parliament House

20 May 2019

Dear Committee Secretary

Re: Submission for consideration – Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019

The role of an elected Local government councillor is a position to be treated seriously and is not a means to seek personal gratification or to assist others seeking a benefit via a political view. By definition yes a councillor is elected and therefore a politician, however the primary role of councillors is to focus on policy development and strategic delivery of services in the public interest. This in my opinion has been lost and an election becomes a sideshow, quickly forgotten internally by the organisations, but forced upon the public as the reality. Local government decisions are made to direct the operational work and realise the planned goals that are set out in the local government's corporate plan.

Candidate Training:

In my opinion an election produces more challenges than required and irrespective of having a system of non-preferential or compulsory preferential voting, the resultant issues acted on through Operation Belcarra in my opinion will remain, unless a candidate is made very aware, in the strictest terms of what they are entering into.

1. I support candidate training at the candidate's expense in a formal setting once an individual or team announces their intent to stand. I form this opinion due to many candidates not having any form of higher education, with the exception of some. I believe intent to stand for local government must be made 18 months out from an election in order to complete the necessary mandatory training.
2. I also believe there needs to be prior experience in corporate governance, where a candidate needs to hold at minimum a 'Diploma of Strategic Management' as mandatory training. I believe Councillors as mandatory training receive media training. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.

3. I support mandatory higher education through a term combined with the practical experience over a term, such as a Diploma of Legal Services to be completed through Queensland Tafe. This will provide theoretical experience to councillors on legal research and reading and interpreting Legislation.
4. I believe Candidates once elected as Councillors must complete as mandatory training during a term 'the Australian Institute of Company Directors program' as part of their professional development budget. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.
5. I believe Councillors should receive post a term, the 'Diploma of Local Government' via RPL and be afforded the opportunity to work within the system of local government as a staff member post a term of council, but not in the organisation they were previously elected to.
6. I believe former councillors with a solid track record should be offered staff positions in other shires or city areas after their second term and a maximum of two terms is only ever held by any one person, unless there is clear intent to progress to the position of Mayor. A Mayors term should be no more than two terms.

A Local Government Councillor without any training or experience is also a corporate director providing strategic direction as part of a board to an organisation referred to as a council and may have further responsibilities as a chair on other boards or committees or hold responsibilities such as selecting a Chief Executive Officer. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.

1. A Local Government Councillor with nil training may be required to perform diplomacy duties as a delegate at both national and international levels. E.g. In my role I have met with and discussed local business opportunities with the Japanese consular general and met with senior federal ministers and industry leaders in Defence. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.

2. A Local Government Councillor without training will perform ceremonial duties such as citizenship ceremonies, where legislated requirements must be met. A Local Government Councillor will be expected to public speak. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.
3. A Local Government Councillor without training is expected to work with high value contracts and highly confidential information, governed as commercial in confidence. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.
4. A Local Government Councillor without any training is expected to make high profile legal decisions on matters that will elevate to courts. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.
5. A Local Government councillor without any training is expected to review and understand matters to do with discretionary spending and governance. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.
6. A Local Government councillor without any training is expected to review and understand the design and drafting of a corporate plan. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.

A decision made by an untrained councillor not only impacts a community, it impacts organisational departments, staff, organisation financial projections and projects. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.

A councillor is a board member:

A simple definition of a board consists of, a board's members are called directors, who are elected by the corporation's shareholders and are considered responsible to them, not the founders or officers of the company. Another role of the board is to hire, oversee and, if necessary, fire the company's top officer namely the CEO.

A Local Government councillors Definition could be viewed as the same,

1. A Local Government elected person is a member of a quorum, called councillors, who are elected by the community's rate payers, and are considered responsible to them, not the founders or officers of the company. Another role of the quorum is to hire, oversee and, if necessary, fire the company's top officer namely the CEO.
2. A candidate/councillor in this role under the current legislation only has to be 18 years old, Australian and registered to vote.

Past has shown that any member of the community can stand for an election with nil experience in corporate governance, taking up a position on a board immediately, responsible for a multimillion dollar organisation, directing as a quorum, on strategic outcomes, by simply being 18 years old, enrolled to vote and Australian.

Many who stand for a Local Government Election do so in the knowledge that their intent is made clear in the community up to 18 months out from an election cycle, even in some cases attempting to stand for other levels of government, where a profile has already been built or the candidate holds a position in a political office as a staff member.

This is adequate time to fore fill the required strict training requirements. In my opinion a candidate must declare their intent 18 months out from an election, so they, over that 18 months conduct strict training and assessment.

Other levels of Government influence:

There is in some cases unprecedented influence from sitting members of parliament who deliberately orchestrate specific outcomes in Local Government through the use of their profile and resources. In some cases candidates are employees from federal and state offices.

1. In my opinion I do not believe Federal members or State members should influence Local Government candidates by way of marketing, signage, door knocking or any other influence that renders a candidate with an advantage over another and any staff from a political office intending to stand for local government must resign their position from the time frame of an intent to stand which would have to be 18 months out from the election.

Ability to direct organisational staff:

The general public believe that a councillor is the boss individually and can direct or demand an outcome to suit an individual or group, which is not the case and therefore the public become confused at election time. This has come about due to a 6 week time frame that allows a candidate to announce, without any structured training, to provide inaccurate statements to the public in order to win a vote.

1. A common question to a council candidate by the public is, what are your policies, of which a local council candidate does not have policies and if elected will work within a policy framework, only changing a council organisations policy as a quorum or elected body based on a whole of city requirement, working within the Local Government Act.
2. The belief perpetuated into the public arena that an individual is worthy of an election vote based on that individuals statements of being able to implement individual policy is misleading and escalates the mistrust in Local government.

Once the candidate is successfully elected, the individual is expected to make very high level decisions immediately and in my opinion only prior corporate governance experience and training would allow for that sound process.

A new councillor especially, without experience and while conducting very low level basic education, at a cost of millions to the rate payer, is expected to make strategic decisions.

State standards set for the police force, as a candidate, is to have completed before making an application to join, half of a Diploma of justice and yet councillors can quite frankly be any person over the age of 18 with nil qualifications.

With that, in my opinion come two primary principles;

1. Transparency to the public and an understanding of what the role of a Local Government Councillor actually is, provided through strict training at the candidates expense, mitigating untruths, so the public is not misled by individual false promises in an election,

which can be taken as an attempt to deceive the public or appear to be implying that an individual councillor can direct staff and therefore benefit an individual or group, if the candidate is provided with a favourable vote during an election.

2. Training at the candidates expense, that encompasses the corporate responsibility and mature knowledge required by the candidate in order to understand the strict principles of what it is to design a budget, work within a legal frame work, how a rating system works, Governance, Communications, strict code of conduct, cyber security, media training, change management, legal research, all done prior to applying through Tafe Queensland.

Compulsory Preferential Voting:

In my opinion an election produces more challenges than required and irrespective of having a system of preferential or compulsory preferential voting, the resultant issues now acted on through Operation Belcarra in my opinion will remain, unless a candidate is made very aware, in the strictest terms of what they are entering into. There is in some cases unprecedented influence from sitting members of parliament to deliberately orchestrate specific outcomes already in Local Government. There is what could be described as supporters who agitate and bully candidates who are left unchecked, protected by the throwaway line of “you have to have a thick skin”.

It is allowing for and setting the scene where public trust in local government has diminished, especially with online displays.

I do not support compulsory preferential voting and suggest that one only need to observe the deals conducted through state and federal elections to get a sense of what’s to come if implemented.

In my opinion I believe it will take the local out of Local Government and push political parties into every local government area.

In my opinion I believe there will be seat stacking to deliberately push out good councillors by those who see the position not as a service and a corporate governance role, but as a means to influence personal outcomes and agendas.

In my opinion I believe there will be a win at all costs approach rather than service to the community.

In my opinion I believe it will drive party politics into council's state wide, reflecting party positions, not local community values.

In my opinion it will divide communities just like state and federal elections, only at a very personal level.

Context as example:

Statements provided from previous elections at other levels of government involving compulsory preferential voting will become the norm in local government announcing outcomes such as;

1. "\$50 million into his controversial federal election campaign, in a cash splash" should also be considered of what is to come for Local Government Elections, by those individuals seeking to win at all costs.
2. "It remains to be seen exactly how influential the Coalition's preference dealing with the UAP and (for the Nationals) proved to be".
3. "X Party has struck a deal to exchange preferences with the Blogs party". "X party will also preference One Nation"
4. "almost every vote lost to the Greens comes back to Y as a preference".
5. "X Party has struck a deal to exchange preferences with the United Australia Party". "X party will also preference One Nation" "almost every vote lost to the Greens comes back to Labor as a preference".
6. "In the last 20 years, X company has donated around \$2.5 million to political parties".
7. "\$225,000 to the X Party and \$23,000 to Queensland Y party".

Primary principles that will mitigate alleged corruption:

1. Transparency to the public and an understanding of what the role of an individual Local Government Councillor actually is, provided through strict mandatory training at the candidates expense, mitigating untruths, so the public is not misled by individual false promises in an election, which can be taken as an attempt to deceive the public or appear to be implying that an individual councillor can direct staff and therefore benefit an individual or group, if the candidate/candidates are provided with a favourable vote during an election. This will mitigate any form of corruption, because an individual candidate can only act while in a quorum under a legal framework.

2. Any donations must be declared or fail the conflict test. I believe compulsory preferential voting will benefit a party, who can receive a donation but doesn't have to tell the public where they intend on spending it and this will only see further agreement by the public that Local Government cannot be trusted.
3. Training at the candidates expense, that encompasses the corporate responsibility and mature knowledge required by the candidate in order to understand the strict principles of what it is to design a budget, work within a legal frame work, how a rating system works, Governance, Communications, strict code of conduct, cyber security, media training, change management, legal research.

Mayoral Powers as it relates to the Mayor directing the CEO:

1. I do not support the current policy and request the delegation of power be removed, so that all councillors as a board have the authority to direct the organisations Chief executive officer as a quorum only.

Mayoral Powers as it relates to the direction of senior executive staff:

1. I do not support the current policy and request the delegation of power be removed, so that all councillors as a board have the authority to direct the organisations Chief executive officer as a quorum only.

Councillor access to organisation information:

1. Councillors need to be provided with access to all documents and information held within a council organisation within an acceptable time frame no longer than 7 days from the time of request.

Public Campaign Funding:

1. On face value it is acceptable, however needs to be capped. If election spending is put into perspective, it is only advertising generally during a campaign. This could be cost mitigated if council organisations through their social media and other media allowed information to go out on who the sitting councillors are over a term and what the role entails. This would provide direct public information and points of contact.
2. New Councillor Candidates could be funded up to a \$15,000 limit and mayoral candidates to the value of \$70,000.

Full disclosure of teams and campaigning techniques:

1. I support the full disclosure of teams and other associations or groups that support either a team or individual candidates, to include individual candidates claiming to be independent of a team but have associations to a group.

Full and real time disclosure of donations and other support in kind:

1. I support the full and complete disclosure of all funds, gifts, associations, groups, donations and any other service being provided to a candidate, group of candidates or team, to be fully and completely declared in real time within 12 hours of receipt of services or structure.

Donations:

1. In my opinion I believe all donations over \$100 up to a cap of \$1000 should be declared immediately and limited to individual citizens making the donation.

I do not believe political parties or organisations, associations or corporations should be attempting to act with or provide a donation at all, period.

1. I believe there should be a full audit of all council suppliers providing services, in order to secure integrity and divulge those entities who hold council contracts and have provided either direct or indirect support to councillors, mayors and or candidates during an election and still hold council contracts.
2. A political belief does not entitle an individual organisation or company director or business in any form to authorise the purchase of goods either in cash or kind at a company's expense, in order to provide an advantage to a particular candidate or group of candidates.

In my opinion the position of councillor is serious and is not for those seeking self-gratification.

Failure to adhere to the requirements and responsibility of the position or failure to declare any conflict is grounds for immediate dismissal unless it can be established as a fair and reasonable mistake, based upon evidence. If an individual is considering becoming a councillor, it is important that they are aware of a director's duties and obligations.

If an individual or team fails to comply with their obligations, under the Local Government Act there should be serious consequences which may include: up to five years gaol time; penalties of up to \$200,000; disqualification from managing a company; and personal responsibility to pay off any debts associated.

Signed this day: 21 May 2019

Paul Golle

Councillor