

21 May 2019

Committee Secretary
Economics and Governance Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir/Madam,

I write to make a submission on the *Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Bill 2019* (the Bill). I do so representing Administration Councillors of Brisbane City Council (BCC).

At the outset, I wish to confirm our full support for all aspects of the Bill that reflect recommendations made by the Crime and Corruption Commission's (CCC) Operation Belcarra Report.

We express grave concern, however, over significant aspects of the Bill that have absolutely no relationship to the Belcarra Report but instead are calculated to provide significant partisan political advantage to our political opponents within BCC. These Councillors share the same political party as the current State Government. We consider the State Government's actions in attempting to link these matters to the Belcarra Report to be both cynical and highly deceptive.

The matter of greatest concern relates to the forced introduction of Compulsory Preferential Voting at Local Government elections. This change was not recommended by either the Belcarra Report or the Soorley Report into the 2016 Local Government elections. It was, however, highlighted as an important issue in the Australian Labor Party's written review of their unsuccessful 2016 Brisbane City Council Election Campaign (the Labor Review). The review states:

“Analysis of past and present optional and compulsory preference data forwarded to the review indicates that optional preferential voting affected the results in both Northgate and Coorparoo, both of which are now LNP seats but would have been ALP seats if the same preference allocation had taken place as normally takes place in Federal elections.”¹

Immediately after the 2016 Council elections, the Labor Leader of the Opposition in Council, Councillor Peter Cumming, publicly called for Compulsory Preferential Voting when addressing the Council Chamber on 12 April 2016.

It is our strongly held view that Compulsory Preferential Voting has no place at Local Government level. Residents should not be forced to vote for a candidate they do not support. Further, Council elections will now become the place of 'preference whisperers' and secret back room preference deals and promises. The irony is that candidates will now be steered in

¹ Elias Hallaj, Review into Labor's Brisbane City Council Election Campaign 2016, p.42

a direction that appears to be at complete odds with the intent of the Belcarra Report. It is little wonder that the CCC did not call for such a change.

The argument that such a move will simply align the Local Government voting system with the other levels of government does not stand scrutiny. The State Government rammed this change for State elections through Parliament with less than 20 minutes notice and no public consultation. To argue that this outcome is a reason why it should now be forced on Local Government is cynical at best.

A significant change to the voting system such as this should be driven by community interest, not blatant party political advantage. Such a change should only be contemplated after extensive community consultation and the subsequent demonstration of a clear desire for change. This has clearly not occurred on this occasion, with an LGAQ survey held two months ago showing that over 70% of residents are happy with the current Queensland Local Government voting system.

We also bring to your attention the provisions of the Bill that remove Right to Information (RTI) exemptions from records of BCC's Civic Cabinet (a statutory body formally known as the Establishment and Coordination Committee) and open these records to access by Opposition Councillors at any time.

Given its unique size and responsibilities, the *City of Brisbane Act 2010* structures BCC along the lines of the State Government. Unlike any other Council in Queensland, the *City of Brisbane Act 2010* provides for a formal Leader of the Opposition, a Chairperson of Council who is not the Mayor and a Civic Cabinet.

The Bligh State Government specifically granted 'Cabinet Confidentiality' provisions to Civic Cabinet in 2010 when they drafted and passed the *City of Brisbane Act 2010*. This provision was included for the same governance reasons that are used to justify Cabinet-in-Confidence protections enjoyed by the State Government Cabinet.

We note that the Bligh Government's decision to grant Civic Cabinet these confidentiality provisions drew particular criticism in the Labor Review.²

BCC has not been the subject of any actions by the CCC stemming from Operation Belcarra. Nevertheless, a Departmental summary published in March 2019 justified the removal of Civic Cabinet's RTI exemption on the grounds of transparency, integrity and consistency.

When provisions of the first Belcarra Bill were introduced in October 2017, Premier Anastacia Palaszczuk stated:

*"Queenslanders should have confidence in the transparency and integrity of all levels of government. [But] I will not make rules for local councils that I am not prepared to follow myself, so any changes we make will apply to state as well as local government."*³

² E.Hallaj, *op.cit.* pp.23-24

³ Mark Ludlow and Michael Bleby, *Don't single out developers: Property Council warns on QLD donations reform*, Financial Review, 4 October 2017

To retain any credibility on this matter, the Premier should immediately announce the removal of State Cabinet confidentiality. The values of ‘transparency and integrity’ should not become tools that are selectively used for party political expediency.

We also note the Bill addresses other matters that the Labor Opposition have been demanding for some time. The CEO of BCC must now ensure that Opposition Councillors are provided with information within a set period of time or face a new 200 penalty unit fine. Despite the fact they already have broad access to Council records, Opposition Councillors can now demand such information even if it has nothing to do with their Ward.

It is our view that Council public servants have been set up to become research assistants for Opposition Councillors at the expense of their primary jobs. We note the State Government does not afford Opposition members at State level similar access to State public servants or records, nor are Directors General threatened with 200 penalty unit fines in relation to procedural responsibilities.

As a final matter, we have concerns over potential changes to the *City of Brisbane Regulation 2012*, which have not yet been published. If such changes are forthcoming, we strongly urge that they be subject to public scrutiny and consultation before implementation.

In conclusion, we note the The Labor Review’s observation that “There should be more liaison with the Queensland Government to review the legislation governing Brisbane City Council”.⁴ This led to the following recommendation:

*“To address some of the systemic disadvantages of opposition in BCC administration, it might be worth having a ‘root and branch’ review of the Local Government Act”*⁵

It is our view that the Bill satisfies this Labor Party recommendation. The State Government stands condemned for using the Belcarra Report as a cover to ‘address some of the systemic disadvantages of opposition in BCC’. We see it as a blatant use of State law to influence the outcome of the March 2020 Council election to the benefit of their own political party.

We appreciate the opportunity to comment on the Bill and trust our views will be of assistance to the Committee.

Yours sincerely,

Krista Adams
DEPUTY MAYOR

⁴ E.Hallaj, *op.cit.* p.23

⁵ E.Hallaj, *op.cit.* p.25