

Our Ref.: LP/GS

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21 May 2019

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

Dear Sir/Madam

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

Isaac Regional Council (IRC) welcomes the opportunity to make a submission to the Economics and Governance Committee on the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019 (the Bill).

IRC supports most initiatives presented in the Bill. The Bill provides for increased transparency, lessened ambiguity and move to contemporary approaches.

IRC generally has no disagreement with the proposed amendments, however makes the following observations for your attention/consideration.

Amendments to the *Local Government Electoral Act 2011*

Mandatory training

The proposed amendment of section 26 of the *Local Government Electoral Act 2011* (clause 162 of Explanatory Notes) provides that there will be a requirement to complete approved training within six months before nomination day for the election.

IRC supports this initiative, however it is still unclear who will be responsible for conducting this training or who is responsible for the cost associated with this training. Six months prior the current set date for the 2020 election is September/October 2019, this is highlighted considering changes to legislation as part of the Bill and time required to prepare suitable training.

It will need to be clear what local governments role is and noting the potential resource and funding impost. It would be the recommendation of IRC that either the State Government or Electoral Commission Queensland coordinate and undertake the training to ensure transparency, consistency of message and reduce familiarity, the latter in particular for regional and remote communities.

Election Expenditure

Should the Bill be passed, when is the requirement for election expenditure records to be kept from? As stated in the Explanatory Notes, Clause 221 (election expenditure) a 'regulation may prescribe another day on which a disclosure period starts or ends'. One publication on the Departments website states this will commence on the 1 May 2019, however there is no reference in the proposed Local Government Regulatory Reforms published April 2019. To

save risk of penalty or ambiguity, should this be generally communicated so potential candidates can make temporary preparations?

Meaning of Gifts

The Bill proposes amendment to section 107 of the Local Government Electoral Act 2011 by omitting the current wording in section 107 and proposed new wording to provide improved clarity. (refer Clause 222 of the Explanatory Notes)

The wording of the proposed new section however doesn't provide clarity on accumulation of 'gifts'. For example, a person giving the gift could give gift to the value of \$200 or less and could do so several times and there be no requirement for disclosure. Is every gift seen as an individual transaction or should there be provision for disclosure when the value of accumulated gifts from a 'person' exceed the \$200 threshold?

Amendments to the *Local Government Act 2009 (LGA)*

The following comments are general statements on the proposed amendments.

The Bill sees the introduction of many new terms, which in some cases replaces terms that have seen much training and awareness over recent years. These include the abandonment of terms such as perceived, real and material conflicts and the introduction of close associate but maintaining related parties.

There was extensive awareness training and factsheets provided to Councillors and councils on the previous amendments to the LGA, given the abandonment of these previously understood terms, will this be the case with the Bill being passed?

While Councillors are becoming familiar and proactive with the declaration of conflicts, this amended approach with terms and clarification may take some time to become accustomed. Will there be a transition period and/or suitable training made available?

IRC is supportive of the continuation and clarity provided in the amendments to postal-only voting. In particular, IRC is supportive to continue the ability for Council's to make representation to the Minister to consider where postal-only voting would be advantageous (cost effective, practical) to certain communities.

The inclusion of a procedure if there is no quorum due to prescribed or declarable conflicts of interest, as per new section 177R for the LGA, provides greater clarity and guidance to Council's in these situations. It has been a missing element for managing conflicts of interests and is a meritable inclusion.

All other proposed amendments contained in the Bill for the *Local Government Act 2009* and the *Local Government Electoral Act 2011* appear sound initiatives for points of clarity and transparency. IRC looks forward to reviewing the proposed amendments for the *Local Government Regulation 2012*.

To discuss this submission, please do not to hesitate to contact Liza Perrett, Manager Governance & Corporate Services (████████████████████) on (██████████)

Yours faithfully



JEFF STEWART-HARRIS
Acting Chief Executive Officer