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Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000

By email: egc@parliament.qld.gov.au

20 May 2019

Dear Secretary

**RE: Local Government Electoral (Implementing Stage 2 of Belcarra)
and Other Legislation Amendment Bill 2019**

We are writing to acknowledge the need to make improvements as a result of the Electoral Commission review, Operation Belcarra recommendations and the implementation of Stage 2 of Belcarra and Other Legislation Amendment Bill 2019.

We feel strongly that some of these proposed changes will result in fairer representation to our communities and the results will be in improved governance.

QLGRA welcomes the opportunity to provide a submission with a request to present to the Economics and Governance Committee at a later date.

Your sincerely,

Colin Hewett

President

1. Independent Candidates

- a) Candidates cannot declare themselves 'Independent' if they are a member of a political party. Failure to declare – 200 penalty units plus dismissed from election campaign, and/or office if such association is revealed during/after an election.
- b) The penalty unit value in Queensland is \$130.55 (current from 1 July 2018). For example, the penalty for driving without due care and attention - a hooning offence - is a maximum of 40 penalty units or 6 months imprisonment; therefore, the maximum fine for the offence is now \$5,222.
- c) Fines need to be seen as a deterrent, therefore, \$26,100 is strong message not to deceive the electorate they are wanting to represent. i.e. [REDACTED] are all members of political parties and their candidacy campaigns were financed through the ALP, LNP and CFMEU.
- d) If laws and regulations are to be passed, then they need to be made so representatives are held to a higher standard. Mandatory statutory declarations to cover every pre-election promise. A promise that does not deliver should have a misconduct penalty. 1000 penalty units (Under electoral act – should be sacked).
- e) Candidates who are members of, affiliated with, or financed by, a political party must prominently display such allegiance to said party on all advertising, promotional material and HTV cards. E.g. "Member (political party)" or "(political party) affiliated" and include the party logo. Failure to declare penalty as per 1a).

2. Third Party Funding - Declare all Third-Party accounts and funding illegal

- a) Candidate to be directly responsible for all donations toward their election campaigns. This provision already exists under current ECQ legislation but has never been enforced. Penalty 2500 points and or 12 months jail.
- b) Dedicated bank account introduced 2015 Qld State and 2016 Local Government elections. The establishment of a dedicated campaign account also exists under legislation that has not been enforced. See also Sect 119 (a) (b [i] [ii])
- c) Only funds deposited in a dedicated campaign account to be used for election purposes. Penalty 250 points. Sect 126.
- d) Bank card in candidate's name – electoral commission approval required. A person in first connection should be permitted. Either the account can be in the candidate's name, the campaign manager's name or the partner's name.
- e) More paperwork, corresponding returns to Electoral Commission Queensland (ECQ) regarding declarations and donations in kind.
- f) Donations in kind limited to \$200.
- g) Real time funding declarations. Declared on a weekly basis to include (up to) previous day of report. Acceptance of all donations must cease 7 days prior to Polling day with final real time declarations posted by 4.00 pm Friday prior to polling. Controlled on ECQ website.

3. Diminish Mayoral and CEO power

- a) The current legislation is colloquially referred to as "The powerful mayor syndrome" with the Mayor able to direct the CEO without record of such direction.

- b) All directions from mayor, and/or councillors must be documented and available to the ratepayers via council websites (as a minimum). Operation Belcarra and other investigations have proven beyond doubt the current system is directly responsible for much of the criminal and corrupt conduct within councils.
- c) Mayor does the budget – sole discretion – can direct CEO no records or directive currently required. Legislation inadequate. Budgets to be formed by full council under advice from Finance Department.
- d) Only under extreme circumstances is the CEO to be delegated sole power to make council decisions. Recent events in Moreton Council have twice demonstrated the abuse of this system which is now subject to CCC investigation.
- e) If council vote to delegate sole discretion to the CEO the decision must be reviewed by external agencies to confirm the legitimacy of same. i.e. Department of Local Government, Racing and Multicultural Affairs (DLGRMA), Ombudsman or Independent Tribunal could be used in these extreme cases. The decision of the external investigators shall take priority over council decision.
- f) Proposed that Mayors can direct only CEOs... Must be accompanied by cessation of Local Government Association of Queensland (LGAQ) involvement in "rehomeing" failed CEO's who are currently afforded protection under LGAQ patronage, and who are also compromised and subject to conflicts of interest by dint of their involvement in the myriad of LGAQ associated entities. Experience has shown that corrupt councils [REDACTED] have survived way longer than they should have because of tame CEO's. [REDACTED]
[REDACTED]
[REDACTED]
- g) In short councillors elected on a platform of reform must be given the freedom to select their CEO from outside the usual proffered stable of LGAQ selected cronies to ensure that councils are managed in accord with the wishes of their populace and not subject to the local government larceny exhibited regularly in the courts at present.

4. Remove mayor, deputy or committee chair the power to appoint executives

- a) The appointment of any senior level executive position within council should be put to a public vote by the entire council.
- b) If a Conflict of Interest (COI) exists between the mayor or a councillor and the applicant; they are to be excluded from any such decision. i.e. Mayor or councillor has previous working association with an applicant for executive position; they are excluded from any input or voting rights during the decision-making process.
- c) Council will be responsible for sourcing applications for senior executives and not referred through LGAQ recruitment processes. LGAQ received 27% of ratepayer money for each appointment just for accessing a compiled list of preferred executives through one of their many companies Local Government Managers Association (LGMA).
- d) A proper recruitment process is required.
- e) [REDACTED]
Penalty 2500 points 18 months jail. Immediate disqualification, dismissal.
- f) All discussions and meetings regarding appointments to be minuted and available to public.

- g) CEO, Directors and Executive salaries to be itemised in annual report. Contracts over \$200K to be maintained on public register.

5. Developers and associates excluded from running for office

- a) Under the legislation banning developer donations it should be noted that any developer running for council office and using their own money for election campaigning will be in contradiction of this legislation. i.e. They would be receiving developer donations.
- b) Case in point is the mayor of [REDACTED] who has benefitted from his position as being both Mayor and developer in that region.
- c) Another well documented instance was the Deputy Mayor of the Auburn Council (Salim Mehajer) in Sydney who was charged for serious crime/misconduct while in that council.
- d) Banning developer donations must be expanded to ban developers from nominating as candidates.
- e) Ban union donations.

6. Corflutes

- a) Limit corflutes 200 Mayor 60 councillor.
- b) Billboards, road side flashing signs, within council area banned.
- c) No control outside electorates but should be reviewed.
- d) Corflutes to be position in specific locations throughout regional localities/towns/cities under lights and CCTV. Removes opportunity for defacing/damage – puts everyone on a level playing field. Provision for credit card all expenditure – legislation cannot restrict election advertising

7. Election of Mayor

- a) Do away with presidential style elections and return to be appointed by the councillors as is the Premier at State level and Prime Minister at Federal.
- b) Current system effectively puts the Mayoral position above state and federal leader positions.
- c) Sunset clause: At end of two-year term after Mayoral position up for re-election – object is if the Mayor not doing the right thing in the first two (2) years provides an opportunity to replace. (Review Election) Mayoral position declared vacant and can be returned to office if re-elected by the councillors or a new councillor can be nominated to the position of Mayor.
- d) Not necessary to be replaced but reviewed half way through their term. If not re-elected will remain a councillor. Undivided councils are beneficial in this instance.

8. Extra Points – Conducting elections – miscellaneous

- a) Electoral Commission Queensland (ECQ) should be running the quadrennial local government elections.
- b) Prepolling – 2 weeks reduced to 1 week.