



For further information, please contact: Jason Bradshaw – Director Corporate Services  
Direct dial no.: [REDACTED]

**Correspondence:**  
Chief Executive Officer,  
Whitsunday Regional Council,  
PO Box 104, Proserpine QLD 4800  
P: 1300 WRC QLD (1300 972 753)  
F: (07) 4945 0222  
E: info@whitsundayrc.qld.gov.au  
[www.whitsundayrc.qld.gov.au](http://www.whitsundayrc.qld.gov.au)  
ABN 63 291 580 128

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

**By Email: [egc@parliament.qld.gov.au](mailto:egc@parliament.qld.gov.au)**

Dear Committee Secretary,

**RE: Call for submissions – Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 and Inquiry into the feasibility of introducing expenditure caps for Queensland local government elections**

Thank you for the opportunity to provide a submission on the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 and inquiry into the feasibility of introducing expenditure caps for Queensland local government elections.

The proposed reforms to the local government legislative framework and potential future regulatory amendments currently under consideration were summarised in an Information Paper published in November 2019. Council’s response to these points is as follows:

Proposed Reform	Whitsunday Regional Council Submission
Conflicts of interests, ordinary business	<p>By only applying the ordinary business exemption to the adoption of new Planning Schemes or amendments which impact on the whole of the local government area, councillors will have to consider their proximity to localised planning amendments and any conflict of interest which arises as an outcome. Council supports this principle and actively encourages councillors to consider the proximity of land they own or otherwise have an interest in to relevant matters as part of the decision-making process.</p> <p>It is noted, however, that the narrowing of the ‘ordinary business’ exemption from declaring interests also excludes other parts of the definition of ‘ordinary business matter’ currently provided in the Local Government Act 2009 regarding goods, services and facilities offered or to be supplied by council. It is recommended that these be restored in the Bill.</p>
Clarification of Conflicts of interest (COI) requirements	<p>Council is committed to transparent decision-making in the public interest and supports this proposed reform in principle, noting that the new process will provide a more consistent, effective and structured process for managing conflicts of interest which arise during meetings.</p>

Proposed Reform	Whitsunday Regional Council Submission
Registers of Interests	Council acknowledges the importance of relevant persons regularly reviewing and updating their Registers of Interest as required and as such supports this proposed reform. noting that the new requirements regarding annual review will align with the requirements applying to State Members of Parliament for statements of interests.
Political and support staff for councillors	<p>As stated in the Explanatory Notes for the Bill, the appointment of 'political staff' is predominantly in larger local governments and as such, Whitsunday Regional Council does not currently have any employees which would be considered as political staffers.</p> <p>Council notes that only local governments prescribed by regulation may, by resolution, allow a councillor to appoint one or more advisors, and that at this time it is not known to which council's this will apply. Therefore, it is recommended that meaningful consultation be undertaken with all affected councils prior to any Ministerial prescription imposed by Regulation.</p> <p>However, Council does employ two Councillor Support Officers, which provide administrative and secretarial support to the Mayor and Councillors. As such, Council supports proposed amendments which clarify that a Councillor may give a direction to a local government employee who provides administrative support to the councillor in accordance with guidelines made by the Chief Executive Officer.</p>
BCC senior contract employees	Council supports reforms which create greater alignment between the legislative obligations of Brisbane City Council and other Queensland Council's and as such supports this proposed reform in principle.
Dissolution of a local government	Council supports this proposed reform in principle.
Councillor vacancies	Council supports this proposed reform in principle as it provides for greater alignment between the City of Brisbane Act and the Local Government Act regarding Councillor vacancies. However, having experienced the resignation of a Councillor during the final part of the current term of office and undergoing the process of appointing an interim Councillor by resolution, Council would recommend that the Department make further resources and guidance on the process available to ensure it is managed transparently and consistently across all Councils.

Proposed Reform	Whitsunday Regional Council Submission
Technical amendments	Council supports this proposed reform in principle as it will allow for minor technical and clarifying amendments in relation to voting and counting of votes, bank statements provided to the Electoral Commission Queensland (the commission) and reminder notices issued by the commission.
Registers of Interests	Council supports this proposed reform in principle, specifically points clarifying the duration for which gifts must be declared and when interests arising from 'official duties' are or are not required to be declared. However, it is noted that the Bill does not provide a definition for the term 'official capacity', which is noticeably absent from the local government legislation.
Agendas	Council supports this proposed reform in principle as by publishing the agenda and associated reports (not including confidential reports or papers) on Council's website the day following it being made available to Councillors, Council will improve transparency relating to Council business.
Minutes	Council supports this proposed reform in principle as it will allow for greater transparency regarding the operation and outcomes of all committee meetings.
Closed meetings	<p>Council generally supports the proposed tightening of topics that can be discussed in closed session as this will allow for greater transparency regarding decision-making at council meetings.</p> <p>However, Council does not support the omission of the provision to close the meeting to discuss 'other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage'. Council is of the view that it is best placed to determine whether public discussion of a matter is likely to prejudice its interests and as such it should retain this option.</p> <p>In the absence of such a provision, Council would not be able to close the meeting to discuss matters which would prejudice its commercial interests. It is recommended that the Local Government Act be amended to include a provision similar to that of the NSW Local Government Act 1993, which at section 10A(2)(d) states that the meeting may be closed to discuss or receive commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.</p>

Proposed Reform	Whitsunday Regional Council Submission
Informal meetings	Council supports this proposed reform in principle and welcomes guidance in this space, noting that the most recent advice published by the Department on informal meetings and briefing sessions is 12 years old. Ensuring consistency on informal meetings will bolster all Council's commitment to the local government principle of transparent and effective processes, and decision-making in the public interest.

Additionally, on review of the Bill and accompanying Explanatory Notes, Council raises the following points:

1. Estimated cost for government implementation

Council notes that the Explanatory Notes for the Bill states that costs to the State Government in implementing the measures in the Bill are primarily associated with staff time in conducting training and preparing guidance materials and it is not anticipated that additional funds will be required. Council's experience and understanding is that the Department is under resourced for the roll out of the local government reform agenda and urges the State Government to consider providing additional resources to this Department to ensure effective transition.

2. Expenditure Caps

I understand that the Committee is also reviewing Election Campaign Expenditure Capping and seeking comments on this topic. On this point, I note that whilst modest caps have been applied in other States, the introduction of such in Queensland could prove challenging for a candidate for a local government which has a large geographic area, where the costs of campaigning can naturally be higher due to market characteristics and remoteness.

I would like to take this opportunity to thank you for the invitation to provide comment and look forward to hearing from the outcomes of this consultation.

Yours faithfully



**JA Bradshaw**  
Director Corporate Services