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8 January 2020

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

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

Dear Secretary

**Subject: Electoral and Other Legislation (Accountability, Integrity and Other Matters) Bill 2019**

While this Bill has a number of components (Chapters) our submission focusses on the *Chapter 5 – Amendments relating to dishonest conduct for councillors and other local government matters* section and on proposed changes to Local government Regulations that will follow.

Please find our responses to these provisions on the following pages. These responses reflect material provided by the Department of Local Government, Racing and Multicultural Affairs in its *Information paper* published in November 2019.

We have **not** taken the opportunity to make any provisional comments on expenditure caps as indicated by the following:

*"On the introduction of the Bill, the Legislative Assembly also agreed to a motion that the committee, when examining the Bill, also consider recommendation 1 from the Crime and Corruption Commission's (CCC's) Operation Belcarra Report regarding the feasibility of introducing expenditure caps for Queensland local government elections, with a view to the model commencing after the 2020 local government elections."*

We will make a more comprehensive submission in relation to this matter by the deadline of 20 January 2020 as per the recently released *Issues Paper* from the Committee.

We would appreciate the opportunity to appear before the Committee at the Public Hearing to be held on 20 January 2020. To expedite the Committee's procedures we are happy to be included in a combined community presentation to the Committee that we are aware the SEQ Alliance (SEQA) is requesting on behalf of the broader community as represented by organisations such as the QLGRA.

We wish the Committee well in its deliberations.

Yours sincerely

Colin Hewett  
President



## **QLGRA submission LGA 2009 changes**

### **Conflicts of interests, ordinary business**

#### **Strongly support**

We particularly welcome the proposed change to the ordinary business exemption so that it will only apply to the adoption of new schemes or amendments impacting on the whole of the LGA.

### **Clarification of Conflicts of interest (COI) requirements**

#### **Support with amendment**

In relation to Prescribed COIs we believe that the threshold for gifts and donations should be \$500 rather than \$2000. A gift or donation of \$500 is clearly material and making this threshold \$500 makes it consistent with requirements in relation to Registers of Interest and Electoral Donations. We see no justification for higher limit in this situation.

We believe the penalties being proposed for both Prescribed COIs and Declarable COIs are appropriate.

### **Registers of interests**

#### **Strongly support**

We welcome the proposed reforms as it is essential that ROIs are kept up to date.

We wonder what measures will be taken to enforce any breaches however.

### **Political and support staff for councillors**

#### **Support with amendment**

The QLGRA's preferred position on political advisors is that councils should not have such positions and therefore we would favour an outright ban on such roles. We see no need for such positions. We are realistic enough to acknowledge that the major political parties would never agree to this, even at the local government level, given the potential precedent this would create.

We nevertheless welcome the proposed reforms given, we understand, there are currently no legislative or regulatory requirements surrounding such appointments.

In relation to support staff (ie council employees) we support the codification of a Councillor's ability to direct administrative staff assigned to them.

In relation to political staff we would make the following comments:

- We note the intention to create a code of conduct for political and support staff to be developed by the Minister and hope this will be treated as a matter of urgency assuming the Bill is passed.
- We would support regulation on which Councils can appoint political staff and quantify how many they can have.
- The decision to appoint political staff must be via full Council resolution conducted in a public meeting of Council. We also believe re-appointment should only occur in the same manner – ie a full Council resolution.
- We welcome the requirement that all costs of political staffers be reported and would like to a mandatory requirement that these costs be reported in a Council's Annual Report and Budget.

## **BCC senior contract employees**

### **Support**

## **Dissolution of a local government**

### **Support**

We believe that when an Administrator is appointed, they should be required to remain in the position until the next election or until the expiry date specified in their contract. This is particularly true if they are potentially moving to another LGA in Queensland.

## **Councillor vacancies**

### **Support with amendment**

The QLGRA believes that the threshold period for a by-election following a Mayoral or Councillor vacancy should be extended from 36 to 42 months. References to 12 months should therefore be amended to read 6 months.

We agree that in the last 6 months councillors should appoint the Mayor from their number (without the need to replace that councillor).

In the case of councillor vacancies, there needs to be clarity as to how appointments in the last 6 months will be made. We would like more clarity on the mechanism for making such appointments and what constitutes a "qualified person". We would urge that this process is transparent and any appointment is made by resolution of the full Council in a public session of Council.

We accept that in the last 3 months vacancies can be left vacant.

## **Technical amendments**

### **Support**

## LGR 2012 changes

### Registers of interests

#### Support with amendment

We believe all Registers of Interests (ROIs) for the current term should be published on the local government's website and not just the current ROI. It is important that ratepayers can easily monitor and compare movements in councillor interests.

We further believe that ROIs should be retained for 12 years after the end of term (ie the equivalent of 3 terms of council) for councillors. These need to be publically available.

### Agendas

#### Support

The QLGRA agrees with the timeframes proposed for publication of agenda and associated reports.

### Minutes

#### Support

The QLGRA agrees with these reforms, particularly the need for committee meetings to be minuted and the timeframes proposed for publication of agenda and associated reports.

Because local government is the closest, and should be the most accessible tier of government to the community, public participation should be available and encouraged. For this reason ***we strongly support the introduction of mandatory live streaming*** and video recording (for later viewing) of council meetings.

Many councils already do this and the introduction of live streaming at Noosa Council in February 2019 proves that a perfectly adequate solution does not have to cost very much.

### Closed meetings

#### Strongly support

It is our view that some councils have been abusing S275 of the LGR 2012 and denying their communities access to the information that their decisions are based on. Typically closed sessions are used to discuss major projects that potentially involve significant expenditure of ratepayer monies. Although it is technically true that decisions of council can only be made in open session of a meeting, the wording of enabling motions usually give no real idea of what was decided and most certainly do not provide insight into the basis for the decision.

We welcome the proposed changes to what can be discussed in closed sessions. The removal of ... is welcome.

We are concerned about the addition of including a new reason – ie *"a council's position in a negotiation"* which we believe is far too broad and will be used by creative CEOs and Mayors as a blanket reason for including almost any item they choose.

### Informal meetings

#### Support

We welcome increased regulation around the holding and conduct of informal meetings but are concerned about how effectively the requirements around such meetings can be enforced.

We welcome the COI provisions but remain concerned that in the case of declarable COIs "*unless the local government has previously approved their participation in that matter*" will result in blanket and/or prospective approval in all such cases.

We believe that all informal meetings should be publically advertised and minuted. This is the only way the general community can be confident that the intent of the proposed regulation reforms is realised – ie that new/additional information is made public and that the purpose, time and location of such meetings is made publically known.

Again, we make the point that live-streaming of such meetings would provide the public with confidence about the conduct and outcomes in these matters.

The QLGRA is of the view that political staff should not be in attendance, or take any part in, informal meetings/workshops and definitely not represent councillors or mayors at such meetings.