



PO Box 1943  
Hervey Bay Qld 4655

T 1300 79 49 29  
F (07) 4197 4455  
E enquiry@frasercoast.qld.gov.au

[www.frasercoast.qld.gov.au](http://www.frasercoast.qld.gov.au)

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

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

Dear Sir/Madam,

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

I refer to the recent invitation made for submissions in response to the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019* that was introduced by the Attorney-General into the Queensland Parliament on 28 November 2019. Below is a submission from the Fraser Coast Regional Council that captures the collective inputs and views of Councillors and staff following a workshop held on the 20<sup>th</sup> December 2019 with Councillors.

Kindly note that due to the tight timeframes over the festive season, the workshop only attracted three Councillors and that this submission has not been formally considered at an Ordinary Council meeting.

**1. New and clarified conflict of interest requirements**

We support the new provisions, however would like the following feedback considered:

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p7) ‘Declarable COIs’</b>	
The conflict of interest arises solely because of the <i>religious beliefs</i> of the councillor or a related party of the councillor.	Religious beliefs be extended to include where a Councillor is a member of a church and/or religious organisation.  There has been a number of occasions at Fraser Coast Regional Council where Councillors are members of a Church.
The councillor, or a related party of the councillor, stands to gain a benefit or suffer a loss in relation to the matter	That an amendment is considered with words to the effect of: “The councillor, or a

Reform under consideration	Feedback
that is no greater than the benefit or loss that a significant proportion of persons in the local government area might receive.	related party of the councillor, stands to gain a benefit or suffer a loss in relation to the matter that is no greater than the benefit or loss that a significant proportion of persons <i>impacted by the council decision</i> in the local government area might receive.”

## 2. Registers of interests (COI)

We support the conflict of interest provisions, however we hold the view that the legislation does not sufficiently address the circumstance where a councillor has a COI with a matter being considered in closed session. To ensure compliance with the COI requirements, we are suggesting that consideration be given to the following:

- Introducing a mechanism to allow the councillor to not name the individual in open session to avoid breaching confidentiality provisions in relation to the matter.
- Clarity be provided on whether a shareholding in a public company like Telstra needs to be recorded on the Register of Interest. We are concerned that where the controlling interest threshold has not been met, there may still be a perception issue if not openly declared.

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p10) ‘Register of interest’</b>	
<ul style="list-style-type: none"> <li>• Any donations made of \$500 or greater must be recorded.</li> <li>• Gifts between \$500 and \$2000 need only to be recorded for two terms.</li> <li>• Electoral gifts do not need to be recorded.</li> </ul>	<ul style="list-style-type: none"> <li>• That a comprehensive definition is provided on an ‘Electoral Gift’.</li> <li>• Clarity is provided on which electoral gifts are exempt from being recorded.</li> <li>• Clarity is provided on recording electoral gifts with a value of less than \$500.</li> </ul>

## 3. Political and support staff for councillors

There was mixed feedback on the new provisions relating to appointing political and support staff for councillors. We offer the below comments for your consideration, noting that the local governments that will be eligible to appoint political staff are not known at this point in time and will be prescribed by regulation.

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p9 ) ‘Political and support staff for councillors’</b>	
New code of conduct for political and support staff to be made by the Minister for Local Government.	<ul style="list-style-type: none"> <li>• That a definition is provided on what is classified as ‘political staff’ and ‘political advisor’.</li> <li>• That clarity is provided on what administrative support entails and what activities would be considered to be campaigning.</li> <li>• Certainty is provided on the use of political and support staff and if there is limitations to these roles and the use of these staff by the mayor or councillors.</li> </ul>
Councillors can direct administrative assistants consistent with guidelines about administrative assistance.	Clarity to be provided whether this only applies to administrative support staff or if this also applies to political staff.
Councils must make a resolution to create political staffer positions.	During the workshop the delegates expressed a strong belief that the creation of both administrative and political positions to support the mayor and councillors need to be resolved by council for transparency. This includes the development of position descriptions.
Political staff are appointed by contract for the councillor’s term, and cease if councillor ceases to be a councillor, unless re-appointed by new councillor.	<ul style="list-style-type: none"> <li>• More clarity is provided in regards to who will be responsible for the appointment and contract management of the political staff.</li> <li>• That certainty is given if appointment, re-appointment and cessation of contracts are made by a councillor or by a council resolution, or by the CEO.</li> </ul>

#### 4. Agendas

We support the new provisions however would like the legislative amendment to clarify whether the agenda requirements only apply to ordinary meetings of council or all meetings of Council, including informal meetings and audit committee meetings for example.

#### 5. Minutes

General support was given for the new provisions however it was expressed that the legislative amendment must also provide definitions of ‘confidential reports and papers’.

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p10 ) ‘Minutes’</b>	
Unless previously made available with the agenda, minutes must include reports and	<ul style="list-style-type: none"> <li>• Concerns were raised on the practicality of making available ‘other associated information’</li> </ul>

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p10) 'Minutes'</b>	
other associated information used in the meeting	<p>used in the meeting, particularly if the information was presented as a verbal response from staff to councillors at a meeting.</p> <ul style="list-style-type: none"> <li>• Consider including an exemption for when Councillors ask for oral information and ask questions during the open council meeting.</li> <li>• Consider adding an exemption where reports and associated information are confidential in nature.</li> </ul>
Confirmed minutes to be published immediately after the meeting at which they are confirmed.	<ul style="list-style-type: none"> <li>• Clarity be provided on the timeframe to publish the confirmed minutes. The information sheet refers to 'immediately after the meeting'.</li> <li>• Consider replacing 'immediately after the meeting' to 'as soon as practicable after the meeting'.</li> </ul>

**6. Closed meetings**

There was mixed feedback on the new provisions relating to closing meetings and we would like the following feedback considered:

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p10) 'Closed meetings'</b>	
<p>Tightening of topics that can be discussed in closed session as follows:</p> <p>To remove: Appointment, dismissal or discipline of employees other than the CEO</p> <p>To remove: Contracts proposed to be made</p> <p>To remove: Actions or decisions under the Planning Act 2016</p> <p>To remove: Other business where public discussion may prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage</p>	<p>Concerns were raised in regards to discussing employment matters in open sessions and we strongly object to this topic being removed from closed sessions.</p> <p>Concerns were raised that by removing this topic from closed sessions, that this will stifle debate and restrict the information available to councillors and also expose Council to the risk of disclosing commercial information in confidence matters.</p> <p>Support was expressed for this topic, but concerns were however raised that certain matters still require consideration in closed sessions, for example proposed legal action to be taken or enforcement actions.</p> <p>Concerns were raised that the removal of this topic, would not be reasonable as there has been numerous discussions and decisions where had they been made in open sessions they would have prejudiced individuals and/or may have resulted in providing a potential financial advantage if these were considered in an open session.</p>

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p10) ‘Closed meetings’</b>	
Add: • A council’s position in a negotiation	Amend to a ‘A council’s position in a negotiation <i>and/or potential legal actions</i> ’

## 7. Informal meetings

We generally support the new provisions however would like the amendment to provide a definition of an informal meeting.

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p11) ‘ Informal meetings’</b>	
A councillor who has a declarable COI in a matter to be addressed in an informal meeting or a workshop cannot attend the informal meeting or workshop for that agenda item unless the local government has previously approved their participation in that matter.	Legislation needs to empower the attendees of the informal meeting or workshop to make a decision on a declarable COI or a mechanism that can ensure that these activities can proceed until such time that a decision is made by the council on the COI.  It is proposed that a mechanism is set in place that will allow the COI to be declared and dealt with at the informal meeting/workshop by the councillors that are present.
A councillor who has a prescribed COI cannot attend an informal meeting or a workshop.	Clarity is provided on how reporting of these informal meetings and workshops COI will be done.
Any new or additional information arising at or from the informal meeting or workshop to be made available as soon as possible after the briefing session or workshop to all councillors and the public.	Concerns were raised that the release of new or additional information arising at an informal meeting or workshop have the potential to be prejudicial to Council and can result in councillor debate being stifled and the ability to have an informed discussion. Furthermore it was noted that the new provision is restrictive in nature and hinders the information being available to councillors in a timely and fully disclosed manner, thereby impacting on their ability to make an informed decision.  We suggest an amendment be considered to exclude providing new and additional information to the public.
Councils to have a policy about informal meetings and are required to publicly notify when and where such meetings will be held and their outcomes.	We agree with the requirement that councils must have a policy about informal meetings.  Councillors however strongly objected to the requirement of public notification when and where such meetings will be held and their outcomes on

Reform under consideration	Feedback
<b>Local Government reforms information paper – November 2019 (p11) ‘ Informal meetings’</b>	
	<p>the basis that this would be problematic and an unreasonable demand on Council resources.</p> <p>It is recommended that Councils have a policy about informal meetings and workshops as well as the procedure for public notification. This may for example include the provision that a register be maintained that includes when and where meetings were held and their outcomes. We are comfortable to be transparent about informal meetings and workshops that are being held, except where commercial in confidence information is of concern. Greater clarity on how this will be achieved will also assist councils in the application of this provision.</p>

Yours faithfully



Gerard Carlyon

Date: 8/1/2020

Acting Chief Executive Officer

Contact Officer: Leah McCormack

Phone: [REDACTED]

Email: [REDACTED]

Reference: #3960738