



Committee Secretary  
Economics and Governance Committee  
Parliament House  
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## **Redlands2030 submission on Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019**

Redlands2030 Inc. is an incorporated not-for-profit association advocating good governance and community participation in government decisions, about matters and issues affecting the Redlands.

Redlands2030 is a member of the South East Queensland Alliance which brings together community groups in Brisbane, Gold Coast, Sunshine Coast and the Redlands.

Redlands2030 welcomes the opportunity to make a submission to the Committee about this proposed legislation.

### **Objectives of the Bill**

#### **Chapter 2 – Amendments relating to funding and expenditure for State elections**

We support:

- Restricting political donations
- Restricting expenditure on election campaigning
- The concept of increasing public funding to election candidates

#### **Chapter 3 – Amendments relating to signage at State elections**

We support the proposed restrictions on signage in the area near polling stations.

We suggest these restrictions should also apply to local government elections.

#### **Chapter 4 – Amendments relating to dishonest conduct of Ministers**

We support the proposed legislation.

#### **Chapter 5 – Amendments relating to dishonest conduct for councillors and other local government matters**

We support the Government's initiative in seeking to clarify the obligations of councillors to deal appropriately with any interests which may conflict with their official duties.

The proposed legislation only deals with decision making in formal meetings which are governed by various provisions of the Local Government Act and Regulations.

Much of the local government decision making process takes place outside formal meetings. Redland City councillors regularly meet and discuss issues with each other and Council officers in informal meetings and 'workshops'. There is much scope for decision making to be influenced in these gatherings.

The requirement for councillors to behave honestly should apply to all aspects of decision making including discussions between councillors in informal meetings and workshops.

There is a precedent for application of the requirement for honest behaviour in meetings which are not officially minuted council meetings.

According to Redland City Council's Complaints Register a councillor was found to have engaged in misconduct because of: "Failure to declare a conflict of interest or material personal interest at a formal Council workshop."<sup>1</sup>

If this principle can be applied to one councillor failing to declare a conflict of interest at one workshop it should be possible to extend the requirement for honest behaviour to all councillors at all meetings including workshops, informal meetings and even chat during a lunchroom gathering.

### **Definition of ordinary business**

The proposed definition of ordinary business (not subject to conflict of interest requirements) in relation to a planning scheme appears to be insufficiently clear to prevent dishonest behaviour.

The proposed definition of ordinary business is that the matter: "is solely, or relates solely to, making a planning scheme that applies to the whole of the local government area".

In Redland City there is only one planning scheme – it covers all parts of the Redlands including various inhabited islands.

Elected councillors have considerable involvement in discussing and deciding very detailed site specific elements of the City Plan.

Redland City Mayor Karen Williams stated publicly in 2017 that councillors spent "almost 100 hours in 26 internal workshops with council officers to consider the details of all submissions and draft responses" to the draft 2015 City Plan.<sup>2</sup>

Significant financial benefits can be gained by landowners through favourable Council decisions about zoning and other planning scheme provisions in relation to particular properties.

To better achieve the intent of the legislation, the drafting should be changed to focus on planning matters that have a broad application across the local government area.

By way of example, a change to the maximum height of buildings in areas zoned medium density could be considered a planning matter that has broad application across a local government area.

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<sup>1</sup> Redland City Council Councillor Conduct Register January 2016 to December 2018  
[https://www.redland.qld.gov.au/download/downloads/id/3244/councillor\\_conduct\\_register\\_january\\_2016\\_-\\_december\\_2018.pdf](https://www.redland.qld.gov.au/download/downloads/id/3244/councillor_conduct_register_january_2016_-_december_2018.pdf) accessed 9 January 2020

<sup>2</sup> 'Council adopts Draft City Plan Submission Review', Redland City Council News, 27 February 2017  
<http://news.redland.qld.gov.au/2017/02/council-adopts-draft-city-plan-submission-review/> accessed 9 January 2020

But if a councillor lobbied consistently for a rezoning of land owned by his brother then this should not be viewed as “ordinary business”. Such behaviour should be precluded by application of conflict of interest rules.

Similarly, if Council is considering the implementation of overlays in particular areas to achieve environmental objectives then any councillors owning land so impacted should have to declare a conflict of interest.

#### **Prescribed Conflict of Interest threshold**

The financial threshold for a Prescribed Conflict of Interest under local government legislation should be \$500. This would align with the local government threshold for declaring a gift or donation.

#### **Political and support staff**

It would be preferable if ratepayers’ money is not spent on political staff, especially in smaller local government areas such as Redland City.

If councillors are allowed to spend ratepayers’ money on political staff then this expenditure should be a line item in both the Council budget and the annual report for each councillor who has the benefit of employing such political staff.

#### **Measures foreshadowed in Local Government Department Information paper dated November 2019**

##### **Closed meetings**

The Department’s proposal to limit the topics which can be discussed in closed meetings is supported.

Redland City Council’s meeting agendas included 87 closed session items during calendar year 2019.

While some of these matters may require confidentiality, there are examples where closed session decision making by Redland City Council over the past two terms contravenes Local Government Principles such as;

- transparent and effective processes, and decision-making in the public interest
- democratic representation, social inclusion and meaningful community engagement

A particularly egregious example of Redland City council misusing closed meetings was its decision in late 2014 to establish a property investment company known as the Redland Investment Corporation. This Council decision was made in closed session on 26 November 2014. It was not until 12 June 2015 (more than six months later) that the Council’s intentions for this property company were first revealed<sup>3</sup> to the community.

##### **Agendas and minutes and ‘mayoral minutes’**

The Department’s proposals for ensuring that matters to be discussed at meetings are made publicly available before the meeting are supported.

One matter which should be scrutinised is the misuse of ‘mayoral minutes’.

This procedure has been used at Redland City Council to introduce business for discussion and decision with absolutely no prior notice being given to councillors or the public.

Constraints should be imposed such that mayoral minutes cannot be put forward without notice to deal with significant matters. Council agendas already have a process for dealing with urgent matters without notice.

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<sup>3</sup> ‘Community to benefit from new land management company’, Redland City Council News, 12 June 2015, <http://news.redland.qld.gov.au/2015/06/community-to-benefit-from-new-land-management-company/> accessed 9 January 2020

A recent instance of abuse of process occurred at Redland City Council's meeting on 4 December 2019, when a mayoral minute without any notice was proposed to make long term arrangements for restoration of a Council owned heritage listed property which is the subject of considerable community interest.<sup>4</sup>

#### **Informal meetings and workshops**

Councils should be required to increase the transparency about informal meetings and workshops involving elected councillors.

Information should be published on a Council's website about what is discussed and who attended.

#### **Final words**

We assume that the majority of local councillors are honest and are working hard to serve the public interest. It is regrettable that the conduct of a few councillors falls well below community expectations, making it necessary for Parliament to impose increasingly tighter controls on how councillors conduct themselves.

#### **Further information**

Redlands2030 would be pleased to provide further information to the Committee, if required.

As a member of the South East Queensland Alliance, Redlands2030 would be happy to be represented by an SEQ Alliance spokesperson at any hearings held by the committee.

Yours sincerely



Chris Walker  
Secretary  
Redlands2030 Inc.

9 January 2020

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<sup>4</sup> 'Redland Museum and council strike agreement to help manage one of the region's most historic sites', Kara Sonter, Redlands Community News, 6 December 2019  
<https://www.couriermail.com.au/questnews/redlands/redland-museum-and-council-strike-agreement-to-help-manage-one-of-the-regions-most-historic-sites/news-story/98bb4c948500edf528759a3e1c4adc68> accessed 9 January 2020