

19 December 2019



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

egc@parliament.qld.gov.au

Dear Chair

Southern Downs Regional Council welcomes the opportunity to provide feedback through a submission to the Economics and Governance Committee in relation to the reforms proposed in the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019.

Council welcomes the higher level of detail that has been applied to the area of conflicts of interest, as well as the proposed changes in terminology from material personal interest to prescribed conflicts of interest, as well as the introduction of declarable conflicts of interest.

Council appreciates the clarification around interests that do not give rise to a declarable conflict of interest, especially in regard to memberships of sporting and community organisations.

With regard to registers of interest, whilst Council acknowledges the proposed reforms in this area, Council would propose that whenever a Councillor changes their conflict of interest, other Councillors must be notified through an email from the Chief Executive Officer, or their delegate, that a change has occurred. This would allow the other Councillors to become aware of the changed circumstances of the Councillors register of interest and where appropriate question a fellow Councillor about a potential conflict of interest in either a Council meeting or an informal meeting. Additionally, this would also allow other Councillors to be aware of where a potential conflict of interest no longer exists with a Councillor.

In relation to support staff for Councillors, it would be beneficial to see more detail around the proposed guidelines for administrative assistance.

Council has no feedback on the following:

- BCC senior contract employees
- Dissolution of a local government
- Councillor vacancies
- Technical Amendments
- Council has made comment previously on registers of interest and has nothing further to add in this section
- Agendas
- Minutes
- Closed meetings

With regard to informal meetings there is perhaps some further investigations that need to occur in this area. Council supports the application of the conflict of interest provisions in informal meetings or workshops (at Southern Downs these meetings are referred to as briefings). If these conflicts of interest provisions are applied, will Councillors have the opportunity or right to have a potentially conflicted Councillor removed, as is the case in a formal Council meeting?

Moreover, clarification needs to be made as to whether the public can attend briefings or is the public or community to be supplied with just an agenda and the minutes? Are minutes required for informal meetings? Furthermore, are the minutes of briefings to be endorsed at subsequent Council meetings?

Please address all communications to:

The Chief Executive Officer
 Southern Downs
 Regional Council
 PO Box 26
 Warwick Qld 4370

mail@sdrc.qld.gov.au
www.sdrc.qld.gov.au

abn 59 786 792 651

Warwick Office

64 Fitzroy Street
 Warwick Qld 4370

Stanthorpe Office

61 Marsh Street
 Stanthorpe Qld 4380

t **1300 MY SDRC**
 (1300 697 372)

f **07 4661 0333**

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Given that notification is proposed to be provided to the community about where and when such meetings will be held, is there an expectation that members of the community will attend the briefing?

Is there the opportunity for closed informal meetings? It is important that Council and the Senior Management Team are provided with the opportunity to provide confidential briefings to Councillors on matters that may be part of a closed meeting in the future.

Do informal meetings remain as a forum where decisions cannot be made? How does this apply in practice if Councillors are making a decision as to whether a Councillor can remain in the room with a conflict of interest? A decision or even a vote will need to be made or occur.

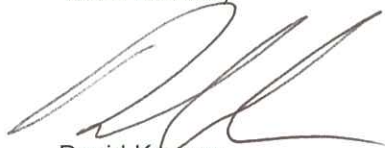
Furthermore, it is noted that Council will advise the community as to the "outcomes" of these informal meetings. The term "outcomes" almost presumes that a decision has been made, is that the intent of the proposed reform? Will the proposed or anticipated "outcomes" need to be endorsed at a subsequent Council meeting?

It is noted that local government authorities will need to adopt a policy in regard to informal meetings. Is it proposed that this will be a templated policy that will be uniform across the State? Council notes that this policy will need to be detailed and comprehensive.

Council notes that in Victoria informal meetings of local government authorities are managed differently to those in Queensland. Attached is an example from Moyne Shire Council. It is suggested that the Committee or Department may wish to further review the practices that occur in Victoria in relation to how to consider the management of informal meetings of Council.

Southern Downs Regional Council appreciates the opportunity to put forward a submission to the Economics and Governance Committee.

Yours faithfully



David Keenan
Chief Executive Officer



Southern Downs
REGIONAL COUNCIL

DK:MES

5 February 2020

**Please address all
communications to:**

The Chief Executive Officer

Southern Downs

Regional Council

PO Box 26

Warwick Qld 4370

mail@sdrcl.qld.gov.au

www.sdrcl.qld.gov.au

abn 59 786 792 651

Warwick Office

64 Fitzroy Street

Warwick Qld 4370

Stanthorpe Office

61 Marsh Street

Stanthorpe Qld 4380

t **1300 MY SDRC**

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Economics and Governance Committee
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George Street
BRISBANE QLD 4000

egc@parliament.qld.gov.au

Dear Chair

Southern Downs Regional Council welcomes the opportunity to make a submission in regard to the "proposed informal meetings regulatory reforms." Southern Downs Regional Council has raised issues associated with informal meetings with the Department over a significant period of time, and is pleased that this issue is now being addressed.

It is noted that the information paper states that "currently only council and committee meetings are regulated." It is important to perhaps provide clarification in relation to "committee meetings." Some local government authorities operate a committee system, such as a planning committee and a finance committee, whilst others do not. Southern Downs Regional Council does not operate a committee system.

Additionally, it is perhaps important to clarify the role of the Audit and Risk Management Committee in the hierarchy of meetings, noting that not all local government authorities have Audit and Risk Management Committees in place.

Furthermore, it would be useful for further clarification to be provided as to how Advisory Committees are to be used in the future. These Committees already have comprehensive agendas and minutes and are reported to Council.

With regard to the proposed reforms, it would appear that the definition of what constitutes an informal meeting is too broad. It would also appear to be difficult to determine when a meeting becomes an "informal meeting" and the subsequent implications from a reporting aspect. For example it is not unusual for an informal meeting attended by a number of elected officials to change focus from its original intent.

It would be helpful to have a clear definition of "that is not a local government meeting." Does this refer to the role of Councillors on different community, sporting groups and Chambers of Commerce or peak bodies, or is this applicable to another type of meeting context. Some examples of different local and regional committees relevant that Councillors within the Southern Downs region are: Regional Tourism Board, River Trusts, Rabbit Board, Headspace Consortium Committee, and RDA where a Councillor might arguably be expected to represent Council's interests. There are also local committees directly related to Council or Council Resources, such as Art Gallery Committees, Stanthorpe Sports Association, Condamine River Sports Group, Morgan Park Users Group and Women's Work Camp Community Advisory Committee. Other local examples, not necessarily directly related to Council or Council resources are Hall Committees and Progress Association Meetings which are not hosted by Council, chairing a local incorporated group Annual General Meeting, attendance by invitation as a Councillor at a community organisation event such as fete, dinner, committee meeting. Further clarification in regard the reporting function of Councillors on regional committees would also be welcomed.

The information paper is silent on how many Councillors need to be in attendance to have a meeting recognised as an informal meeting. Is it all Councillors, apart from those with a Conflict of Interests, or is there a minimum number?

The development of a policy to manage informal meetings is supported, however the details that are outlined in the information paper would be difficult to implement. When the information paper states that a notice of each meeting must be made public, does that mean it must be placed as a statutory notice in the media or simply on a website? Furthermore, what is the notice period required in relation to the timing of the informal meeting, three days prior perhaps?

What is the level of detail that is required to be provided in relation to the purpose of the meeting? Is there an agenda to be produced with relevant documents or strategies to be attached? In relation to regular Council briefing sessions, are agendas, briefing session material and notes, as well as outcomes or minutes of those Briefing Sessions required to be publicly available, and if so, what is the extent of those minutes and are there timeframes as to when this is to occur. This also raises the question of commercial confidentiality and unintentional breaches of the Privacy Act. These issues require clarification.

Could a confidential briefing for Councillors to adequately inform them of the circumstances and information related to a future decision take place, and under what circumstances? If they can take place, how are these meetings or briefing sessions to be minuted?

A clear direction is also required about when and what briefings or meetings must be open to the public. Initial information suggested that a number of previously closed sessions would be required to be open to the public.

Does a proposed policy need to detail the implications of a Councillor not attending an informal meeting or not attending informal meetings on a consistent basis? Are there penalties associated with these actions?

Is it expected that the proposed policy would determine the criteria for confidential informal meetings of Council, would an agenda still be required for confidential meetings. To place this in context, would meetings between the elected officials and the Executive Management Team to discuss strategic policy or proposed outcomes be determined as an informal meeting, with an agenda and minutes required?

In relation to the monthly reporting of meetings this may prove to be problematic and demanding from an administration perspective. This perhaps means that Council staff would be required to attend off site meetings and potentially after hours meetings. Is it envisaged that Councillors will take minutes, or is an administration resource required?

The information paper states that "monthly reports to be presented at a meeting of the local government stating for each informal meeting held during the previous month the name of Councillors attending, each class of persons attending (eg members of the public or officers), other than Councillors; and the matters discussed at the meeting". It is taken for granted that the intent is that the listing of meetings and minutes be presented to a Council Meeting, is that correct?

It is noted that within the current Council Meeting Agenda there is the section where Councillors can provide feedback, usually verbally, on meetings they have attended. The section is titled "Reports of Deputation to Conference and Reports from Delegates Appointed by Council to Other Bodies." At present this part of the Agenda is used infrequently.

It is anticipated that there will be additional administration resources required to capture the following:

- (i) the name of each Councillor who attended the meeting; and
- (ii) each class of persons (e.g. members of the public, officers) who attended the meeting, other than Councillors; and
- (iii) the matters discussed at the meeting.

It is noted that these minutes or observations will become part of the corporate record and it is therefore important that these are accurate and comprehensive. Does this also mean that Councillors are not able to meet by themselves? Are Council staff always required to attend these informal meetings and take minutes or record information?

With regard to Councillors with a prescribed Conflict of Interest (COI), this is a practical and welcomed outcome. Does that mean the prescribed COI will be recorded in the minutes of the meetings, additionally when the monthly report is presented at the Council Meeting, will the Councillor with the prescribed COI be required to vacate the Chamber. This may remove a number of Councillors from this part of the meeting given that there are a number of informal meetings or site inspections over a month.

It is noted that in relation to Councillors with a declared COI not being able to attend an informal meeting unless the local government has previously approved their participation under the provisions of the legislation, it is difficult to envisage how or when a Councillor would be provided with this approval prior to an informal meeting occurring. This is particularly the case in relation to site visits for development approvals.

The information paper proposes some practical reforms which are welcomed, however there is additional work required to ensure the practical implementation what is proposed. What is really required is a comprehensive set of guidelines that deals with the operation of workshops or briefings. Additionally, further work is required in relation to the anticipated administrative resources that will be required to implement what is proposed. It is important to get these reforms right and it is suggested that the reform process be deferred until after the local government elections.

Yours faithfully



David Keenan
Chief Executive Officer