

Cr Krista Adams

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

Dear Sir/Madam,

I write to make a submission on the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019* (the Bill) and *Inquiry into the feasibility of introducing expenditure caps for Queensland local government elections*. I do so representing Administration Councillors of Brisbane City Council (BCC).

The Bill

At the outset, I wish to confirm our support for changes to provisions regarding Conflicts of Interest (COI) which remove the previous levels of significant uncertainty. The only suggestion is to amend 'Declarable COI'¹ provisions to include a method to deal with donations made to political parties, similar to that found in 'Prescribed COI' provisions².

I will now address the proposed amendments regarding political advisors for councillors³. Unlike other local governments, BCC councillors have campaigned and been elected as members of recognised political parties since the 1920s. There has been a long-standing practice of employing political staff for the Lord Mayor, Committee Chairs and the Leader of the Opposition that goes back decades and covers administrations of different political persuasions.

We note the proposed requirement that such positions must now be created by a resolution of Council, that total remuneration of advisors (per councillor) is to be detailed in the Annual

¹ The Bill, Amendment of City of Brisbane Act 2010, Subdivision 3, p. 149

² See S.177D(3) of The Bill, Amendment of City of Brisbane Act 2010, p. 143

³ The Bill, Amendment of City of Brisbane Act 2010, Division 2A, p. 166

Report and that their contractual functions cannot include assisting a councillor's campaign for re-election. We also note that none of these requirements apply to State political advisors and there appears to be no justification for introducing this for Brisbane City Council either.

We absolutely do not accept the proposal that the Minister, through a regulation, can dictate the number of advisors each councillor may appoint and the functions they can perform. It should be sufficient that the allocation of advisors must now pass through full Council and the remuneration totals published each year. Councillors will then rightly be judged by the electorate on these decisions.

The Minister, who is operating in an inherently party political framework, should have no role dictating the number of advisors within BCC, especially in a party political framework. Such an action could only represent serious and unprecedented partisan political interference.

This proposal to appoint political advisors, by resolution of Council, raises serious complications regarding the period between the formal conclusion of an election and the first opportunity of a special meeting by Council to consider such a resolution. Currently, it takes a minimum of a week before a special meeting can be arranged. As a consequence, we are advised that no political advisor could be employed, nor could they work for no pay due to Councils exposure to various liabilities during this period.

The problem with this transition means that Ward offices and other political offices would remain unstaffed during this period unless Council officers were to temporarily undertake these functions. The impact on other Council support for ratepayers would be significant if this were to occur.

We note the Bill also proposes to impose penalties for misconduct by political advisors that are well in excess of those applicable to all other Council employees, even for the same offence. For example, it will mean that an administrative assistant in a Ward Office will face a potential fine that is 10 times greater than that faced by senior executives of Council for the same offence.⁴

In stark contrast, we note that State political staffers don't appear to be subjected to any specific penalties at all. Unlike BCC advisors, who are already subject to penalties prescribed in the *City of Brisbane Act, 2010*, State advisors are not subject to the *Public Service Act 2008* and the penalties that it prescribes. Further, the *Ministerial and Other Office Holder Staff Act 2010* does not have any penalties at all.

In conclusion on this section of the Bill, it should be noted that the wages budget for the Lord Mayor's Office has not increased at all over the last two Council terms, other than for standard annual increments applied right across Council. This is in stark comparison to recently reported increases of staff costs in State Ministerial offices of 7.6% and the Premier's office of 9% in a

⁴ The example relates to the use of insider information. Under S.197 of the *City of Brisbane Act, 2010* Council officers face a maximum penalty of 100 penalty units or two years imprisonment while under the proposed S.198F, a Council political advisor faces a maximum penalty of 1000 penalty units or two years imprisonment for the same offence.

single 12 month period⁵. In August this year, it was reported that “*The cost of State Government ministers and their growing legions of minders have skyrocketed by \$11.7 million in just three years*”⁶.

Further, there are no current or former BCC political staffers presently under CCC investigation. It is clear to us that it is not local government that deserves the level of scrutiny on political staffers proposed in the Bill.

When provisions of the first Belcarra Bill were introduced in October 2017, Premier Anastacia Palaszczuk stated:

*"Queenslanders should have confidence in the transparency and integrity of all levels of government. [But] I will not make rules for local councils that I am not prepared to follow myself, so any changes we make will apply to state as well as local government."*⁷

To retain even a shred of credibility, the Premier should immediately announce that the Bill will be amended to require State political advisors be subject to the same provisions proposed for local government political advisors. In particular:

- appointment of all State political advisors by resolution of Parliament;
- annual reporting of total remuneration for State political advisors, per Member of Parliament (MP), in an appropriate Annual Report;
- exclusion within the contractual functions and responsibilities for State political advisors of the ability to assist an MP's campaign for re-election; and
- inclusion of new penalties for misconduct by State political advisors that range up to 1,000 penalty units or two years imprisonment.

The Regulations

It is noted that amendments to the *City of Brisbane Regulation 2012* are referred to but are not yet published. It is our concern, based on provisions within the Bill and matters outlined in the Bill's Departmental Information Paper, that significant and potentially unworkable changes to Council operations will be rammed through by Regulation without proper consultation and scrutiny.

I have already explained our concerns regarding the Minister's ability to dictate the numbers and responsibilities of political advisors through the Regulation. Other concerns, based on the scant information in the Departmental Information Paper, are detailed below.

⁵ Domanii Cameron, *Budget fail hits public hip pockets*, Courier Mail, 24 August 2018

⁶ Steven Wardill, *Ministerial expenses jump 36 per cent in just three years, up \$11.7m*, Courier Mail, 31 August 2019

⁷ Mark Ludlow and Michael Bleby, *Don't single out developers: Property Council warns on QLD donations reform*, Financial Review, 4 October 2017

- **Requirement to publish unconfirmed minutes of meetings within 5 days.**
 - We are unaware of this requirement being applied to any other public entity. It opens Council to the potential of publishing incorrect or defamatory information, including the attribution of statements or actions to individuals that are incorrect.
 - Councillors' reputations will be in the hands of the Minute taker, noting that once incorrect information is officially published, it is all but impossible to undo the potential damage.
 - If this proposal proceeds, this requirement must also be applied to the Minutes of State committees.

- **Removal of Topics that can be discussed in closed session.**
 - I cannot recall when, in recent times, a BCC committee or full Council has been closed to the public. Nevertheless, it is believed that a number of proposed topics that will now have to be discussed in open session, if they were to arise, raise concerns.
 - For example, discussion of discipline matters regarding individual employees would surely breach privacy provisions. Further, the requirement to now publicly discuss matters that we know will prejudice the interests of Council or enable a person to gain a financial advantage is self-evidently problematic.

- **Regulation of 'Informal Meetings'**
 - Since this proposal was first mooted earlier this year, multiple concerns have been raised regarding how it will be managed and the impact on the efficiency of Council business.
 - No one seems to know what will actually constitute an informal meeting. Nevertheless, the Departmental Information Paper forecasts the requirement to publicly notify the time and place of such a meeting and then make the results of the meeting publicly known as soon as possible.
 - Such requirements will surely formalise all meetings, regardless of how trivial a matter under discussion or how timely the results of such a meeting may be.
 - The proposal is a recipe for red tape, stagnation and uncertainty.

Electoral Expenditure Capping

The call for submissions by the Economics and Governance Committee to which I am responding also raised the feasibility of introducing expenditure caps for Queensland local government elections.

We note a review into the introduction of electoral expenditure caps was a recommendation of the Belcarra Report. We support the introduction of such caps, on the clear proviso that the result is a proper level playing field. This particularly relates to expenditure limits for third party organisations that will either support a particular party, oppose a particular party, or both.

We have assessed the proposed funding arrangements in the Bill for state elections⁸. While the allocations for political parties appear reasonable, the Bill's provisions significantly favour election funding by third parties.

11 unions have coverage within BCC. Noting that unions have previously actively campaigned in BCC elections against the current administration, any legislation imposing electoral expenditure caps must limit the disproportionate advantage such provisions would provide to the current opposition party. We believe that third party organisations must have significantly lower expenditure caps than candidates to ensure that no thirds party is able to wield undue influence on the outcome of elections.

We appreciate the opportunity to comment on the Bill and the proposal to introduce electoral expenditure capping and trust our views will be of assistance to the Committee.

Yours sincerely,



Krista Adams
DEPUTY MAYOR

⁸ The Bill, Amendment of Electoral Act 1992, Division 9, p. 76