



Councillor Peter Young

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CITY OF
GOLDCOAST.

26 October 2017

Acting Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Email: mailto:lacsc@parliament.qld.gov.au

Local Government (Implementing Belcarra) and Other Legislation Amendment Bill 2017

I have been a Councillor of the City of Gold Coast for a period exceeding 13 years. I thank the Committee for its consideration of the matters I am presenting herewith.

The provisions introduced under the Amendment Bill are welcome, but I do believe there are some significant short-fallings which require the attention of the Committee.

Amendment of Electoral Act

s273 Prohibited donor

I submit that the scope of prohibited donors should be expanded.

The draft definition of prohibited donor does not preclude a range of development related entities from providing a political donation. Such entities include firms and their employees who are engaged as town planners, civil engineers, traffic engineers, architects, and etc. for the purpose of property development. These entities certainly do provide election donations – evidence of this can be readily observed – for example the 2016 election gift return for Cr [REDACTED] (Gold Coast) shows in excess of \$52,000 of the total \$167,000 was provided by development related entities (ie not 'property developers').

The limited scope of 'prohibited donor' will therefore permit these development related entities and people associated with those entities to continue to provide generous financial support for a candidate. This opens the practice to abuse eg developments associated with those particular entities might be considered more favourably, or an elected person might seek to influence the outcome of a development application that involves those entities as consultants, or developers might gravitate to those entities that provide donations.

Amendment of Local Government Act

S175D Conflict of Interest

I submit that the provision regarding 'sporting club' should be refined.

Subsection (2)(a)(iii) confirms that a Councillor does not have a conflict in a matter if they are a member of a 'sporting club'.

Not all sporting clubs are equal. The local junior netball club is likely to have very few assets, and little capacity to influence strategic outcomes of a City. It is unlikely to submit development applications, it is likely to be run by volunteers, and its overall income and expenditure is likely to be small. By contrast, for example, the Gold Coast Turf Club is a club with millions of dollars in assets, with substantial land under its control, it progresses development applications, it is able to provide hospitality of a very high calibre at prestigious sporting carnivals and events, it employs full time staff, and it is able to substantially influence outcomes, by virtue of its wealth, profile, Board membership and associations.

In the **attached** document 'Black Swan Lake Bundall', I provide information to demonstrate that not all sporting clubs are equal. The legislation needs to be amended to make a clear distinction between a regular local footy club and a multi-million dollar enterprise with significant political clout.

s175E Conflict of interest at a meeting

I submit that the details recorded for a gift in a Register of Interests (*Local Government Regulations*) should be expanded so as to achieve consistency with the draft proposal.

175E (2) (b) mentions a 'gift', and requires the Councillor to reveal the 'value and date of receipt of the gift'.

175E (8) confirms that in this section, a 'gift' is one that that is required to be registered in accordance with s280 of the Local Government Act.

The *Local Government Regulation* confirms at s291(3) that the Register of Gifts expressly does not require "the monetary value of accommodation, an asset, a gift or travel" to be recorded. It is commonplace that the date of receipt of the gift is also not recorded.

In that case, this would make it difficult for a Councillor to comply with s175E and reveal relevant details such as the 'value and date of receipt of the gift' - unless they have maintained a separate register with such details. In the case where a Councillor does declare a gift, it would be impossible for any other person to determine if the details of the gift declared at the meeting are correct or incorrect.

S175I (2) Offence for councillor with personal interest to influence others

I submit that this provision requires refinement and also a mechanism that requires Councillors to declare a conflict of interest to officers.

175I(2) seeks to deal with potential influence by a Councillor on a Council officer in circumstances where a Councillor has a material personal interest or a conflict of interest. There are several problems with the implementation of this:

- a) On the Gold Coast, it is routine for officers to request that a Councillor enable a planning matter within their Division to be dealt with under 'Delegated Authority'. Under the draft wording, if a Councillor consents, that is not influencing, thereby potentially benefitting a party which has provided a donation or gift to the Councillor because the matter will not be presented to Committee. By contrast, if the Councillor requests the matter to be brought to committee, thereby enabling public scrutiny, that is a breach. I would suggest that is an unintended consequence of the draft wording and that it requires revision.
- b) In circumstances where a matter is being dealt with by a Councillor and officers, there is no requirement for Councillors to declare an interest to officers. On the Gold Coast, 98.5% of all applications are dealt with outside of the committee process. Yet a Council officer will not necessarily know if the Councillor has an interest in a matter, for example when the Councillor participates in a meeting with officers and representatives of the applicant in a planning matter, or where the Councillor meets with or discusses or corresponds with a Council officer in a matter. In such circumstances, I think it highly desirable for there to be a requirement for the Councillor to declare an interest.

Amendment of Local Government Electoral Act

s113 Meaning of Prohibited donor

I submit that the scope of prohibited donors should be expanded.

I re-iterate my submission in regard to s273 of the Electoral Act, viz, that the definition should include entities who are linked to or engaged by property developers for the purposes of preparing property development application (such as town planners, civil engineers, traffic engineers, architects, and etc.)

s113A Political donation

I submit that the proposed controls on 'political donations' should be expanded to include 'gifts'.

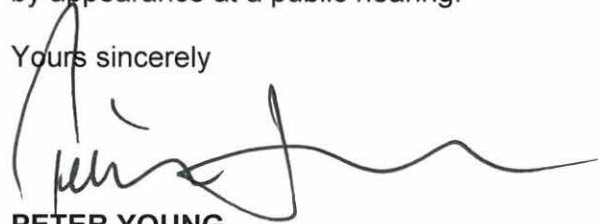
s113A (2) expressly enables any person or entity to make a gift for non-political purposes to a candidate or Councillor. It is commonplace that local government candidates partly or fully 'self-fund' their campaigns. Under the draft provisions, a property developer (prohibited from providing a political donation) could lawfully provide an unlimited sum of funds over an unlimited period of time to a candidate or Councillor, provided it is not part of a 'scheme' (s194B), who in turn can use those

funds for paying the mortgage, car registration, school fees, groceries, or any other purpose. This hence enables the candidate to use his/her own funds for the purposes of the election campaign. That outcome seems contrary to the intent of the draft legislation.

I therefore believe the provisions that apply to 'political donations' should also apply to 'gifts', and prohibited donors should therefore be expressly prohibited from providing 'gifts'.

I welcome any request of the Committee to provide further information in writing or by appearance at a public hearing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Young', with a long, sweeping horizontal line extending to the right.

PETER YOUNG
Councillor for Division 5

PY:jt #65526546

Black Swan Lake, Bundall

Not all sporting clubs are the same.

This example regards the decision of the Gold Coast Council to place into the control of the Gold Coast Turf Club a very large piece of publicly owned property known throughout the city as Black Swan Lake, comprising an area exceeding 2.6ha in size and where 52 species have been recorded. It has been estimated the market value of the property is \$6m.

Gold Coast Council's 'City Infrastructure Committee' received a report on 3 November 2016 concerning the ongoing maintenance of Black Swan Lake, in Gold Market Reserve – a public park.

The officers advised that the water quality of the lake was improving, and “remained unusually clear”, that the previously frequent algal blooms had not been evident for some time, and that short-necked turtles, longfin eels, gudgeon, and other fish were all present “in significant numbers”.

Officers recommended continuation of the program to improve the water quality of the lake.

Instead of pursuing that, Councillors at the full Council meeting on 15 November 2026 resolved:

That officers liaise with Gold Coast Turf Club on the securing funding in cash and in kind for the filling in of the borrow pit (Gold Market Drive), at no cost to Council, to maximise its utilisation for future public open green space, horse exercising and overflow car parking for precinct events.

It is notable that eight Councillors confirmed they had a ‘real or perceived conflict of interest’ in this matter as they are Honorary Members of the Turf Club. Annual Membership is sold for \$220 per person per annum, plus \$150 initial joining fee. According to the Turf Club website, benefits include “Entry to the racecourse- 56 meetings this year (Value \$6,700)”

It is notable that the [REDACTED], is also a Member of the Turf Club but he did not declare a conflict of interest, based on the advice of [REDACTED] that it was not necessary as the Turf Club is a sporting club.

It is notable that the [REDACTED], was also formerly on the Board of the Turf Club but he did not declare that as a conflict of interest.

It is notable that the [REDACTED], Cr [REDACTED], has conducted her election fund raising events at the Turf Club, raising tens of thousands of dollars, but she did not declare that as a conflict of interest.

It is notable that within weeks of this decision, the [REDACTED], Cr [REDACTED], was appointed to the Board of the Turf Club. It is not known when this decision was mooted, considered, or decided by the Turf Club.

It is notable that many Councillors have received ongoing hospitality over many years from the Turf Club, but none declared that, nor have they declared the receipt of gifts on their Register of Interests (Hospitality for Councillors who participate includes attendance for them

and their partners at events such as the Melbourne Cup raceday - the value *per function* is typically in excess of \$350 *per person*.)

Subsequent to Council's decision, *or perhaps beforehand*, Council officers 'liaised' with the Turf Club's consultants and determined the best way forward for the Turf Club to achieve the outcome.

Of note is the fact that the Turf Club, through their consultant, submitted an application for draining and filling the lake, and claimed that the site is a park, and would remain a park, and that the application therefore did not require public notification of the proposal to change the use, fill in the lake, create a car park and restrict the use of the area to the sole discretion of the Turf Club.

Once the approvals were swiftly granted, it became evident that political interest in the matter was high, as demonstrated by the following, what I consider extraordinary, email from the [REDACTED]

From: [REDACTED]
Sent: Friday, 7 July 2017 8:44 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Borrow Pit - GC Turf Club
Sent: Friday, 7 July 2017 8:44 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Borrow Pit - GC Turf Club

Hello [REDACTED]

As you have asked, I have kept a watching brief on this Borrow Pit - GC Turf Club project. I regret to inform you that the final green light to commence filling has still not be provided by Planning Officers despite the pre-start meeting, as required by the conditions of op works approval, being conducted last Thursday.

The original decision by Council to proceed with this project to fill this pit was taken around the middle of November 2016, some 8 months and \$80k+ ago.

I am told by the customer that Officers requested during the pre-start meeting a further traffic management plan and report in regards to truck movements and the dirt track behind pit not previously requested before Thursday.

With 8 months delay, hundreds of pages of reports, plans and application documentation and over \$80,000 expended by the customer to facilitate the filling of a pit it is crystal clear to me that the governance, processes and policies underpinning the Planning Directorate are woefully outside of the expectations of the Community in general, the business community and are fundamentally damaging to the economic wellbeing of this city.

I am recommending that:

1. The [REDACTED] take personal, direct and continuous charge of this project to facilitate it through to completion in the fasters possible method. No more delegation.
2. That the regular updates promised by [REDACTED] during earlier controversy surrounding this project's delayed approvals are actually provided each Friday until project completion. To date this has not happened as shown by my discovery of the latest request from follow up discussions with the customer.

3. **That the final green light is issued by the Council by COB today.**
4. That an apology is issued from the highest levels of Council Administration to the customer for the unnecessary delays incurred during this project approval process with one of this City's premier employers and crucial tourism venues.
5. That the Local Government Association of Queensland be engaged independently by the [REDACTED] to investigate the operational processes of the Planning Department in relation to operational works applications to the point of works commencement for such projects and recommend changes to people, policies or processes.

While I'm sure we will again hear all sorts of excuses that it's the customer's fault or the customer's consultant's fault or 'approval has actually been given' or they should have known, or its legislative or its State policy or worst, that its somehow normal, it must be remembered that as I type this email this morning, the customer cannot commence works due to Council not providing permission.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]