



ECONOMICS AND GOVERNANCE COMMITTEE

Members present:

Mr LP Power MP (Chair)
Mr DJ Brown MP
Mr ST O'Connor MP
Mr DG Purdie MP
Ms KE Richards MP
Mr RA Stevens MP (via teleconference)

Staff present:

Ms L Manderson (Acting Committee Secretary)
Ms L Pretty (Acting Inquiry Secretary)

PUBLIC BRIEFING—EXAMINATION OF THE LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 2 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL 2019

TRANSCRIPT OF PROCEEDINGS

MONDAY, 13 MAY 2019

Brisbane

MONDAY, 13 MAY 2019

The committee met at 9.15 am.

CHAIR: Good morning. I declare open this public briefing of the Economics and Governance Committee's examination of the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019. I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to elders past and present. My name is Linus Power, the member for Logan and chair of the committee. With me today on the phone is Ray Stevens, the member for Mermaid Beach and deputy chair; and here with me is Sam O'Connor, the member for Bonney; Kim Richards, the member for Redlands; Dan Purdie, the member for Ninderry; and Don Brown, the member for Capalaba, who is participating as a substitute member for Nikki Boyd, the member for Pine Rivers.

On 1 May 2019 the Hon. Stirling Hinchliffe, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs, introduced the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019 to the Legislative Assembly. The bill was referred to the committee for examination, with a report date of 21 June 2019. The purpose of this morning's briefing is to assist the committee in its examination of the bill.

The briefing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. The briefing is being recorded and broadcast live on the parliament's website. Media may be present and will be subject to my direction. The media rules are endorsed by the committee and are available from the committee staff if required. All those present should note that it is possible that you may be filmed or photographed during the proceedings and images may also appear on the parliament's website and social media pages. I ask everyone present to please turn off mobile phones or, at a minimum, switch them to silent.

Only the committee and invited officials may participate in the proceedings. Any person may be excluded from the briefing at my discretion or by order of the committee. I remind committee members that officers appearing today are here to provide factual or technical information. Any questions about government or opposition policy should be directed to the responsible ministers and shadow ministers or left to debate on the floor of the House. We will now hear from the representatives of the Department of Local Government, Racing and Multicultural Affairs.

BLAGOEV, Ms Bronwyn, Executive Director, Strategy and Service Delivery, Local Government Division, Department of Local Government, Racing and Multicultural Affairs

DUNNE, Mr Tim, Acting Director, Local Government Reform, Local Government Division, Department of Local Government, Racing and Multicultural Affairs

CHAIR: I invite you to make an opening statement on the bill and after that committee members will have some questions for you.

Ms Blagoev: The Crime and Corruption Commission handed down its Operation Belcarra report in October 2017. It commenced Operation Belcarra to determine whether candidates committed offences under the Local Government Electoral Act that could constitute corrupt conduct and to examine practices that may give rise to actual or perceived corruption or otherwise undermine public confidence in the system of local government with a view to identifying strategies or reforms to help prevent or decrease corruption risks and increase public confidence.

This bill is the second of three bills designed to implement reforms identified in Operation Belcarra and other strategies identified by the government to strengthen integrity in the system of local government. Since Operation Belcarra has been finalised, the mayor of Fraser Coast Regional Council has been dismissed, the CCC has charged a large number of people in and around Ipswich City Council, Ipswich City Council was dismissed, the CCC has released Operation Windage—its report into Ipswich City Council—five councillors were suspended under the Belcarra stage 1 reforms and, most recently, the CCC has laid charges against eight councillors from the Logan City Council

leading to the dismissal of Logan City Council. Despite this, our Queensland councils are full of employees and councillors doing fantastic jobs and fantastic things for their communities—hardworking people who in many communities are literally keeping their own communities alive.

This bill is designed to further four objectives: firstly, to increase diversity amongst our councillors; secondly, to increase transparency; thirdly, to promote integrity; and, finally, to ensure consistency between electoral systems and between local governments where appropriate. This bill represents 12 months of stakeholder consultation. Since April last year Tim and I have personally had in excess of 60 meetings with stakeholders. These stakeholders have included the Local Government Association of Queensland, the Local Government Managers Association, the Electoral Commission of Queensland, mayors, councillors, chief executive officers, regional organisations of council and various other community and ratepayer groups.

The bill consists of a number of parts, and I will deal with each part in turn. Firstly, in terms of electoral reform, this bill introduces a number of key reforms for local government elections. Importantly, it amends the Local Government Electoral Act to implement real-time electoral expenditure disclosure requirements, which means that members of the public will know how much each candidate has spent and how they have spent their campaign funds before they go to the polls. The bill will require candidates to disclose particular interests when they nominate—for example, if they are a member of a political party or trade or professional organisation. It also seeks to better regulate how groups of candidates operate. At local government level, groups of candidates are more prevalent than political parties and we feel it is important that the community knows when a collection of candidates operates as a group.

The bill amends the Local Government Electoral Act to require additional information about donors of gifts, loans, third-party expenditure and whether expenditure is used to support particular candidates. The bill amends the Local Government Electoral Act to place the onus on candidates, groups of candidates and third parties, after receiving a gift, to notify a donor about their disclosure obligations.

It is important that candidates understand the high standards we expect of our councillors. The bill amends the Local Government Electoral Act to require all candidates, including sitting councillors, to undertake mandatory training prior to nominating to be a councillor. This not only implements the Belcarra recommendation but also reflects feedback we have had from councillors indicating the importance of candidates understanding what it means to be a councillor and the particular roles that our councillors must perform.

The bill also prohibits candidates and groups of candidates from using credit cards to pay for campaign expenses, as well as contains a requirement for candidates and groups of candidates to give details of their dedicated bank account.

In addition to implementing a number of the Belcarra report recommendations, this bill also implements five of the Soorley report recommendations around how council elections are run. The bill will amend the Local Government Electoral Act to provide that a request for a postal vote must be received by the returning officer no later than 12 days before the polling day for the election. It will also change how council applications to conduct a postal ballot are processed, with the bill now requiring the minister to refer a request for a postal ballot to the Electoral Commission for a recommendation. The bill also sets a number of factors that ECQ and the minister must consider in making either a recommendation or a decision where a council has requested to do a full postal ballot. Overall, the bill's intention is to address proposals by ECQ to increase consistency between state and local government electoral systems and to assist ECQ to streamline operations in the overall conduct of elections.

Secondly, I want to spend a little bit of time to talk about conflicts of interest. This has been one of the main issues raised by stakeholders with the department over the past 12 months. As you would be aware, Belcarra stage 1 made some significant amendments around how councillors deal with conflicts of interest. Stakeholder feedback since those amendments went through is that councillors are still confused about what is a conflict of interest. They are confused by the difference between a conflict of interest and what we call a material personal interest. They also currently believe that all personal interests must be disclosed under the Local Government Act, irrespective of whether it is a \$20,000 donation or a \$20 donation.

We have seen significant confusion amongst councillors over the past 12 months so what we have tried to do is take hold of all that feedback and build it into the bill. We have had what we have called a CEO reference group as well, where we have sat down with the Local Government

Association of Queensland and a CEO reference group and have gone through and looked at the ins and outs of all the provisions, but in particular the conflict of interest provisions, just to see how they work on the ground.

As I said, we have really changed, as a result of this feedback, how we would like councillors to handle conflicts of interest. In an attempt to provide some certainty in what is notoriously an uncertain area, the bill proposes the concept of what we have called prescribed conflicts of interest. We have basically set a number of prescribed conflicts of interest and said to councillors, 'If you have these conflicts of interest you must leave the room.' This is notoriously a grey area so we have attempted to give a little bit of black and white. That has been well received by the stakeholders that we have spoken to and, in particular, the LGAQ and the CEO reference group. It will provide councillors with some certainty so that they can look at the list and say, 'Okay, I received a gift of \$5,000. That is definitely a prescribed conflict of interest so I know I have to get out.' Anything that does not amount to a prescribed conflict of interest may still amount to what the bill is proposing to be called a declarable conflict of interest. Basically, the bill then sets out, if you have a declarable conflict of interest, what you need to do.

One important thing to keep in mind is that under the bill it is sufficiently flexible so that a councillor can declare something if they think it is a declarable conflict of interest but they may also declare something if they are not sure if it is a conflict of interest. For example, one of the examples the department has been dealing with is: a councillor may receive a \$20 gift voucher from someone and that person then has a matter come before council. We have had a lot of questions around, 'Do I need to declare the \$20 gift voucher?' The bill will say to the councillor, 'If you believe it amounts to a conflict of interest then you must declare it and the other councillors will determine if you are able to exercise your decision-making in the public interest. As occurs currently, the other councillors will go through the process of determining if you can stay in the meeting and vote or if you have to leave.'

If you have a \$20 gift voucher and you are not sure—you think it may not amount to a conflict of interest—as I said, you do not have to declare it but you may wish to put on it the record. You may wish to say to the other councillors, 'Look, I am not sure if this amounts to a declarable conflict of interest but I am going to declare it,' and by doing that you require the other councillors to then consider the \$20 gift voucher and to consider whether or not you can exercise your decision-making in the public interest.

It really is, I guess, about saying to councillors that not everything must be disclosed. We have had a lot of feedback from councillors that they are disclosing everything to the point where they are losing their quorum. The result of that is that matters are having to be delegated to a CEO. Some of these might be standard matters; some of them might be really important planning matters. What we are trying to do here is strike a really good balance between what has to be disclosed and what does not have to be disclosed. In some instance a councillor may be satisfied that the \$20 gift voucher does not need to be disclosed and that is absolutely fine. As I said, this has really been in response to feedback from councillors. We have seen a lot of councils that have had quorum issues over the past 12 months. Certainly we have taken all that on board and tried to come up with a system that gives councillors the guidance they are really chasing from us.

Finally, the bill also deals with councillor complaints. The government gave a commitment, as part of its response to the Solomon report, that it would consider how Brisbane City Council councillor complaints are dealt with. Currently, all the other local governments are subject to a councillor complaints framework under the Local Government Act that involves the Independent Assessor. The Independent Assessor considers all of those complaints and assesses them all. Brisbane City Council does not at the moment have that, but the bill is proposing that Brisbane City Council will be subject to the same councillor complaints regime as all the other councils. This is a significant change and, as I said, it represents where the government thinks there should be consistency between Brisbane City Council and all the other councils. This means that every complaint about a Brisbane City councillor will come in to the Independent Assessor, who will assess it. If it is about corrupt conduct it will go to the CCC. If it is about misconduct the Independent Assessor can make an application to the tribunal for a hearing about it. If it is about inappropriate conduct it will go back to Brisbane City Council. Once again, there is complete consistency between all councils.

In relation to the BCC, the bill also removes the RTI exemption that the Brisbane City Council currently has for its Establishment and Coordination Committee. The bill also will roll back a number of reforms passed in 2012, including the power of the mayor to present a budget to the other councillors and the power for the mayor to direct senior executive employees. Thank you for the opportunity to address the committee. Tim and I are happy to take questions.

CHAIR: Thank you very much. I note that the deputy chair may have a question.

Mr STEVENS: Thank you, Chair. I appreciate that. We have limited time and I know that there will be a lot of questions. The bill is essentially based on the Belcarra and Soorley reports about improving diversity, transparency, integrity and consistency. However, we have gone further than those reports in other measures—for instance, compulsory preferential voting. What was the catalyst that prompted to go to those other areas? Was it something like informal voting? Under compulsory preferential voting, the informal vote in my area doubled. Can you explain the rationale and the drivers for the department to go beyond matters recommended by the Belcarra and Soorley reports, such as compulsory preferential voting for local government?

CHAIR: I note that the question may cut across some aspects that are not factual or technical and may be representative of government or opposition policy.

Mr STEVENS: With respect, the departmental officers will be able to inform the good member for Mermaid Beach if that is the case.

CHAIR: Understood. I note that that might be part of the answer that Ms Blagoev gives.

Mr STEVENS: I hope we are not leading the witness, Chair.

CHAIR: Only that we require, as I said, matters to be factual and technical.

Mr STEVENS: There is factual and technical. We have gone outside the matter of improving diversity. I am going over what I said before. Quite clearly, I just need a technical answer.

CHAIR: We will get Ms Blagoev to answer the question.

Mr STEVENS: Thank you.

Ms Blagoev: Thank you very much. Deputy Chair, you are absolutely correct. The bill as a whole goes beyond Belcarra and Soorley and it has a number of matters that have been identified either by the department or by the government. In terms of the proposal to introduce compulsory preferential voting for mayors and single councillor divisions, as you are aware, voting at state elections and in the federal lower house is conducted by full preferential voting. While the voting methodologies for federal elections have remained the same for many years, at the state level the methodology changed from optional preferential voting to full preferential voting, as you are aware, before the 2017 state election.

At the Queensland local government level, the current methodology for voting has existed for some time, except that before the 2016 local government elections the mayoral voting system changed from being consistent with the method used to elect other councillors to all mayors being elected by optional preferential voting. The intention is to align the voting methods for local government with state and federal elections. The government feels that this will assist in avoiding voter confusion by using the same voting methodologies across all levels of government. This will also ensure that the candidate preferred by more voters will be elected, ensuring that every vote counts. Ultimately, Mr Chair, as you have said, the issue of compulsory preferential voting is a matter of government policy. Tim, do you have anything you want to add?

Mr Dunne: I want to clarify something that Bronwyn discussed. It was a recommendation of the Soorley report that the issue of the voting methodology be reviewed. In fact, recommendation 21 of the Soorley report was about compulsory preferential voting versus optional preferential voting. The government committed to review that recommendation about preferential voting in consultation with the Local Government Association. It was on the agenda through the Soorley report and that is where we came to it.

Mr STEVENS: I have a question in relation to training—the non-acceptance of a nomination for councillor by a person who has not been trained by the department or ECQ, as recommended by the government. Perhaps the officers could explain this. In many cases in local government a decision may even be made in the last week before nominations close, particularly where there is a popular sitting member. If they resign before there is time for anyone to get that training before they lodge a nomination, will that mean there will be no candidate allowed to run in that division, or even for a mayoralty, if there is a resignation within a couple of days of the nominations closing?

Ms Blagoev: It is a good question. Traditionally, the department has done voluntary training. People have been able to turn up to a session called 'So you want to be a councillor'. That has always been face to face. Face to face, by its nature means, I agree, that in that circumstance you are probably not going to capture that person. The department is currently looking at how it conducts that training, but I think the reality is that it will be a combination of face to face and web based.

In that particular circumstance, someone would be able to log on to the internet for an hour or two—however long it would take—before the nominations close and do that. However, we appreciate that in some communities there are issues still with the network. For that reason, the department is currently considering how to strike a balance between web based and face to face, particularly for our Indigenous communities.

Ms RICHARDS: Thank you for a really detailed response. You have answered quite a few of the questions that I had. I want to go to councillor conflicts of interest and the amended powers of mayors. In relation to the amendments relating to the power of mayors, could you expand a little on the difficulties faced and why that is part of this legislation? The second part is in regard to ordinary business matters and the definition of that as it sits within the legislation around planning schemes and amending planning schemes being part of—

CHAIR: You could put that as two questions. Do you want to put them as definitely one question?

Ms RICHARDS: They can be two.

CHAIR: We might do it as two questions, because they are relatively technical.

Ms RICHARDS: The first one is around amending the powers of mayors.

Ms Blagoev: In 2012, a number of amendments were made. Since then, to be honest, we have had feedback from councillors and stakeholders about how they have worked on the ground. For example, at the moment there is a power that says that the mayor produces and presents the budget to the council. In reality, what we are seeing is that that does not reflect what happens. Typically, a budget is worked up with the CEO and all the councillors are involved in that. We do not want to see a circumstance where the CEO just plonks the budget in front of the councillors for debate. It is really important that councillors are involved in that process. That particular change has been made to reflect what really occurs on the ground.

At the moment, mayors are also able to direct senior executive employees. What we found, particularly through Operation Windage at the CCC, was the ability to reach into an organisation and direct senior executive employees without the CEO's knowledge or any involvement in the CEO. The CCC found that that increases corruption risks. We certainly saw that with the Ipswich City Council. From an operational perspective, it also makes it really quite difficult for the CEO. They need to know what directions are being given to their staff.

One of the other powers was the requirement that councillors sit on recruitment panels for certain staff. Once again, we have repealed that to really show that it is the CEO who runs the organisation and the CEO who really is responsible for the discipline of staff and should be responsible for recruitment. We have had some questions from councillors around, 'Can I sit on a panel if I would like to?' There is no prohibition on that. Certainly, if the CEO were comfortable with doing that and there was a particular benefit, there is no reason that cannot happen. In a nutshell, in terms of mayoral powers, it is really to bring it back to what we see on the ground with councillors and make sure that the legislation reflects what occurs in practice.

Ms RICHARDS: And the record-keeping component?

Ms Blagoev: We have proposed some record-keeping changes, particularly with respect to the Brisbane City Council. At the moment, councillors can only request information for their particular ward, whereas the Local Government Act says that you are responsible for the local government as a whole. We have a bit of an inconsistency there where councillors are saying, 'I'm trying to uphold the local government principles about acting in the best interests of the local government as a whole.' We have opened that up so that councillors can ask for more information than just is relevant to their ward.

Ms RICHARDS: It was more around the directions where the record-keeping requirement under the—

Ms Blagoev: Okay. In terms of the register of directions, certainly the CEOs will keep a register. Every time there is a direction given to them by the mayor they must record that, and those directions must also be in accordance with any council policies.

CHAIR: Is that process overly onerous?

Ms Blagoev: I do not think that a register should be. Certainly it is something that has been raised by stakeholders as well. I would think that the register could be pretty simple in practice—date of direction and what the direction was.

Ms RICHARDS: The second question was around the councillor complaints framework and the review process. Will the review of that framework be publicly available?

Ms Blagoev: Yes. We have worked strongly with our CEO reference group and the LGAQ in terms of the concept of 'ordinary business matter'. As you have said, the legislation currently says that if a matter falls into the definition of an 'ordinary business matter', which could be something like a budget or a rating matter or a planning scheme, you do not need to go through the COI provisions. We did at one point plan to review that significantly. Our concern is: are councillors using those provisions in best faith and in a way that promotes integrity and transparency? Following consultation with the LGAQ, we have said to the LGAQ that we need further time and we will go back and revisit that in due course.

Ms RICHARDS: You think that having a planning scheme and the ability to amend a planning scheme sitting within the definition of 'ordinary business' presents a transparency and where conflicts do not necessarily need to be reported?

Ms Blagoev: When it comes to a planning scheme, there are so many different iterations of the impact of a planning scheme. Sometimes when a council puts through a planning scheme the councillors may in any respect have an interest that is no greater than anyone else's in the community, but there could technically be a planning scheme, particularly in a smaller area, where the only impact is on a parcel of land that is owned by the councillor. The impact really can differ, based on what the planning scheme is saying or what is an amendment to a planning scheme. We appreciate the business of government. The business of the council must continue. The issue we found with removing the concept of 'ordinary business matter' is that you would have every councillor saying, 'Oh gosh, I have a conflict of interest in terms of the budget. How are we going to get the budget through?' We have to be able to strike a balance, be it the budget or a planning scheme, between transparency and accountability versus ensuring that the business of council can continue.

Ms RICHARDS: Presumably, applying the prescribed versus the declarable would assist in that process?

Ms Blagoev: We have sought to amend the legislation to say that with an ordinary business matter, yes, you do not necessarily need to declare it but you may wish to. For example, if you have the councillor whose one parcel of land is impacted by a planning scheme, the bill says that you still may declare that and go through the process, if you would like to.

Mr PURDIE: You talked in your opening address about implementing the recommendations of Belcarra and the five recommendations from the Soorley report. You also mentioned the other strategies identified by the government. Can you list what those other strategies identified by the government are?

Mr Dunne: Some of them had to do with, for example, registers of interest. We observed that the standing orders for members of parliament had changed and there was a need to do alignments with councillor registers of interest and the registers of interest for state members of parliament. That aligns the requirement for a new register of interest upon the completion of an election and annual returns to make sure that the registers of interest are kept up to date—a few things like that, looking at registers of interest and making sure that councillors are making proper disclosures about their registers of interest. We know and we have seen that sometimes some councillors set and forget—they do their register of interests and then just let it stay like that—rather than put in their annual returns like the state members of parliament have to do. That is an amendment—something that has gone into the legislation—to improve the transparency.

The review looked at the types of disclosures around deeming of gifts. The CCC recommended that electoral gifts should be deemed—that a councillor is aware of it. We looked at how we facilitate that. Part of that was looking at requiring candidates to give notice to their donors that their gifts will be disclosed and also requiring donors to notify candidates by saying, 'This was the true source of the gift that I am giving'—all of those sorts of things. There were a whole lot of those amendments. When we looked at the Crime and Corruption Commission recommendations, we could see things that needed some extra provisions to help them, to make it a whole package around transparency and accountability in local government.

Mr PURDIE: That was just an example of a whole lot of those amendments.

Mr Dunne: Yes. That was just an example.

Mr PURDIE: Would it be possible to get a list? Mr Chairman, could I ask for that to be taken on notice?

CHAIR: If that is not a full answer and there is more that would benefit the committee to have as a written answer—

Mr Dunne: We could do that.

CHAIR: Do you want to restate the question to be taken on notice?

Mr PURDIE: Could you provide a list of the strategies identified by the government that have been included in this bill that are outside the recommendations from Soorley or the Belcarra report?

CHAIR: I am not sure that 'strategies' is the right word. Do you mean sections of the bill that expand or are separate to—

Mr PURDIE: Separate to or apart from the Belcarra and Soorley recommendations.

Mr Dunne: That is fine.

CHAIR: It is pretty normal practice that when a bill is being drafted other priorities of the government that are in the same field that departments may have been holding for some time are incorporated into the bill. Is that not a normal practice?

Ms Blagoev: Absolutely. We constantly have a shopping list, to be honest, of things that are raised by stakeholders. We have a regional network of officers who go out and talk to councils every day and they bring something back, and we keep that list. As Tim said, in terms of Belcarra and Soorley, once you start on some very specific recommendations, there were all of these matters over here that we did not feel that we could ignore as they tied into the integrity reforms.

CHAIR: Some of those issues may have come from the 60 meetings that you had and from previous consultation.

Ms Blagoev: Absolutely.

Mr PURDIE: Would it be possible to include in that answer where the evidence came from to support those amendments, whether it was the 60 meetings or stakeholder feedback?

Ms Blagoev: We could say whether something has been internally generated or come from an external stakeholder.

Mr PURDIE: Excellent.

Mr O'CONNOR: You mentioned that the biggest issue was the conflicts of interest. That was one of the big things that came up in your stakeholder meetings. Was there any way that you quantified that or had any data on that in terms of the percentage of time that it took up at a meeting?

Ms Blagoev: No. There is no data on that. It really does dominate all conversations that we have with councillors, whether or not that is Tim and I meeting formally with stakeholders or a regional staffer attending council meetings and attending other meetings with councillors. In the last year Belcarra stage 1 training was offered to all councils. I think almost all councils took up that training. I can guarantee you that during the course of the day much of the discussion was around conflicts of interest.

Mr O'CONNOR: There was no data that you had on the meetings and how much time that might have taken up?

Ms Blagoev: No.

Mr O'CONNOR: I have another follow-up question mainly around the disclosures. How did you define the intention to nominate as a candidate and what that meant in terms of whether they accept a donation or a gift and then they do not nominate? How do you define how someone is intending to be a candidate? Is it if they come out in the local media and say that they are running or if they put a Facebook post up or if it is the first time the thought pops in their head? Where is that definition around the intention to run?

Mr Dunne: It is set out where a candidate forms that intention. It has a number of elements to it. One is that they publicly announce—they hold a campaign launch or something like that. We recognise that a lot of the behaviours around setting up the campaign launch and getting ready for making that announcement happens behind closed doors. There are certain mechanisms that need to be put in place around the accountability at those very early stages. It is something that indicates an intention. It is things like receiving that first donation or getting your budget together and saying, 'This is how much money I need and this is how much I will transfer into my dedicated campaign account.' It is things like from publicly announcing, 'I'm going to do it. Everyone please support me,' through to 'I'm getting my war chest together to go out and buy the bollards and the corflutes.'

Mr O'CONNOR: There are a number of factors.

Mr Dunne: There are a number of factors. Any one of them is the trigger for you to become a candidate and for all of the disclosures and requirements to kick in.

Mr BROWN: With regard to third-party groups such as ratepayer associations that get set up in the lead-up to elections, they might have regular meetings and, say, a candidate goes to those regular meetings and funds from that group are used not to support a candidate but to negatively attack the opponent. If that candidate is aware of where those funds are coming from, do they have to declare that as a conflict if it comes up in meetings?

Mr Dunne: The legislation does not specifically say that, where a true third party is running its own campaign against or for a candidate, that leads to necessarily a conflict of interest for that candidate if they are successfully elected. The legislation says that there needs to be some level of coordination or cooperation between the two such as where the third party gave money to the candidate or published something in conjunction with the candidate like a gift in kind or something like that.

Mr BROWN: What about if it is in conjunction with the candidate but it is a negative attack to effectively help the candidate by hurting the opponent? If that candidate has knowledge of where the donations to that association are coming from, do they have to declare it if one of the entity's matters come before the council?

Mr Dunne: Not without a specific level of coordination, no. If the group is independent, no.

Mr BROWN: In regard to the current structure around council complaints, there is a review currently underway. Is that correct?

Ms Blagoev: Currently, in terms of councillor complaints—are you talking about Brisbane City Council?

Mr BROWN: No. I am talking about the new structure for the rest of the councils. There is a current review into that?

Ms Blagoev: There was a review done. Then the local government councillor complaints bill was passed last year. That created what we call the Office of the Independent Assessor. That has now been set up and is rolling on.

Mr BROWN: So there is not a current review into that. In regard to the current system, we have seen reports in the *Courier-Mail* with regard to the workload. To your knowledge, have any complaints been knocked back due to a lack of resources?

Ms Blagoev: That is really a question for the Independent Assessor. To answer your question, no. There are none that I am aware of that have been knocked back. Certainly the legislation does not contemplate that the lack of resources or anything like that is a reason that a complaint can be knocked out. There are certain things like whether a complaint is frivolous or vexatious. I am aware that the Independent Assessor is actively looking at complaints to see whether they are frivolous or vexatious and, if so, not letting them through to the next stage.

Mr BROWN: Do you think there will be resources needed for the office to take on the extra workload?

Ms Blagoev: It is a really good question and it is one that we did look at when we did the review into the BCC complaints. The number of BCC complaints is really quite low at the moment. That being said, what we did see, as you said, is a real spike. When the Independent Assessor was created, there was a real spike in the number of complaints that went across to them. Certainly the issue of budget and resources is currently under consideration by the government.

Mr BROWN: In my area there is a councillor who has received 11 inappropriate conducts and three misconducts just this term. Do you feel that the training for candidates will go some way to addressing the roles and responsibilities for councillors?

Ms Blagoev: We hope so, definitely. What we have heard from councillors is that they do not believe that candidates have enough understanding of the roles and responsibilities of a councillor before they nominate. That is one part of the department's training program. There is also induction training and then ongoing training. It is really important that the department does play that role in terms of building capacity of our councillors. We appreciate that a lot of the roles and responsibilities of a councillor are becoming increasingly complex. Whilst the mandatory training is the first training that these candidates will get, it will certainly not be the last.

CHAIR: I want to take you back to a councillor's request for information. We think of local government as relatively small and in touch, especially their councillors. I was surprised that we had to mandate that there be 'reasonable endeavours' to comply with a request for information. Is that something that came up through your consultation process with councillors and others?

Ms Blagoev: What we have heard from some councillors is that they did not feel that they were getting information in a timely manner. The department appreciates that in practice CEOs get a large number of requests for information. We had some CEOs even in smaller councils say that they can get 300 or 400 of these a year from their councillors. There are a lot of complaints coming in. Certainly that is the feedback that we received from some councillors—that they were just not getting the information in a timely manner and that it was sometimes taking months to get information.

CHAIR: On issues that they then have to vote on and make decisions on for the public?

Ms Blagoev: Correct.

Mr O'CONNOR: What feedback have you had on the Independent Assessor from councils? From my area I have heard that it is quite a large administrative burden. Have you heard that from your consultations?

Ms Blagoev: I have not heard that through our stakeholder feedback. What I have heard is that councils are aware that there are a large number of complaints at the moment with the Independent Assessor. As I said, the resourcing of the Independent Assessor is currently under consideration by the government.

Mr O'CONNOR: Do they have any other general feedback from your 60-plus consultations?

Ms Blagoev: The only other feedback I have had is that CEOs are very grateful that they are no longer caught in the middle of having to assess complaints received from councillors. Certainly the CEO feedback has been very positive on that front.

Mr O'CONNOR: To go back to the training as the condition of nomination, you mentioned that it could be done within a couple of hours online. You do not see that as being a burden or something that prohibits people from nominating?

Ms Blagoev: It is really important that the training strikes the right balance between providing the information we need to provide in the session and making sure that it does not deter councillors from nominating. One of the key purposes of the bill is to increase diversity amongst our councillors. The training needs to consider that in terms of the length, the content, how it is accessed and also how it looks. We need to make sure that candidates whose background may not be typically English language speaking are catered for as well. We are working with Multicultural Affairs Queensland and the department to make sure that is reflected. Certainly it does need to strike a balance. We cannot have a program that takes candidates two days to complete over the internet.

Mr O'CONNOR: Can you run through how you envision it will look like practically or are you still working that out?

Ms Blagoev: Honestly, it is still being worked through by our training area in the department. To me it would be a combination of what you need to know as a candidate, as well as basics around what it means to be a councillor and what some of the key obligations are on you under the Local Government Act. We need to make sure that candidates go into this with their eyes wide open. They cannot get nominated and then suddenly in late March or April say, 'Oh, gosh. I didn't know that that is what it meant. I didn't know that I was getting myself into that.'

Mr BROWN: You touched on councillors requesting information from outside their division. We had a situation in the last redistribution in Redlands where the former LNP member for Capalaba and his staff coordinated submissions to the Electoral Commission, including one from his former staffer who lived in Brisbane and not in Redlands, to change the boundaries for a particular division. There were only had five people in that area, but a significant parcel of land was transferred over. Since then, the councillor who used to have that parcel of land could not get access to the information from the council in regard to what has happened to that parcel of land. Will this legislation allow that councillor access now to information about the dealings with that parcel of land outside of his division?

Ms Blagoev: One thing to keep in mind is that the request must be still be in accordance with councils' acceptable request guidelines. Without knowing what is in the guidelines and without knowing the exact nature of the request, I would be reluctant to provide a yes or no answer. The intention of the bill is to say to councillors, 'You can access more than just what is in your ward now,' so it may be the case that more information is now available.

Ms RICHARDS: With regard to the Office of the Independent Assessor and the huge number of complaints that it has had, is there a categorisation process for those complaints in a way of disseminating the information that looks at how you can then target training? What do those complaints look like and how can we better target training?

Ms Blagoev: That is a good question. The department makes sure that we do work with people like the Independent Assessor to understand what is coming out of there. As a department, we have lost visibility over complaints that go in. Certainly when a tribunal makes a decision we will be looking at those decisions and definitely looking for trends. It is those decisions and the nature of the complaints that come in that we need to use to inform our capacity-building program. That link is really important between the department who provides training and the Independent Assessor who is assessing the complaint. Yes, absolutely they will be considered.

Ms RICHARDS: I think that follows on from the member for Capalaba's statement around a councillor having 11 substantiated claims. You would have to think that there is some sort of systemic issue that is not being addressed in the process as it currently exists. The member for Bonney or Ninderry touched on the councils that did not take up the stage 1 Belcarra training. Is it possible to get a list of those councils that did not participate?

Ms Blagoev: It is. From memory, I think it is one or two Indigenous councils. We can certainly get you that list. My understanding is that it is only a couple.

CHAIR: There being no further questions, I will draw the hearing to a close. Thank you for the information you have provided today. Thank you to the Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I note that a question has been taken on notice. The response will be required by 5 pm on Monday, 20 May. That should be sufficient. I declare this public briefing closed.

The committee adjourned at 10.02 am.