



SOUTHERN DOWNS REGIONAL COUNCIL SPECIAL MEETING OF COUNCIL

Dear Councillors

Your attendance is hereby requested at the Special Meeting of Council to be held in the Council Chambers, Southern Downs Regional Council, 64 Fitzroy Street, Warwick on **Monday, 3 February 2020** at **9:00AM**.

Notice is hereby given of the business to be transacted at the meeting.

David Keenan

CHIEF EXECUTIVE OFFICER

31 January 2020

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1. **ATTENDANCE**
2. **APOLOGIES**
3. **DECLARATIONS OF CONFLICTS OF INTEREST**

4. EXECUTIVE SERVICES REPORTS

4.1 Submission to Proposed Local Government Regulatory Reforms - Informal Meetings

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Special Council Meeting	
	Reporting Officer:	Meeting Date: 3 February 2020
	PA to Mayor & CEO	ECM Function No/s:

Recommendation

THAT Council endorse the attached Submission to the Proposed Local Government Regulatory Reforms – Informal Meetings.

Report

The Queensland Government is delivering a rolling reform agenda in the local government sector. The reforms further strengthen the transparency, accountability and integrity measures that apply to the system of local government in Queensland.

Following further consultation with the local government sector, in November 2019 the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 was introduced to the Queensland Legislative Assembly. The Bill includes amendments relating to state elections, Ministerial conduct and conduct in local government.

In addition to the Bill there are also a number of future regulatory amendments required. This includes changes to requirements for meeting agendas, minutes, informal meetings, and when matters can be considered in closed meetings.

The government is carefully considering how informal Council meetings are regulated. Currently only Council and committee meetings are regulated. Attached is an information paper outlining a summary of the reforms currently under consideration in relation to the regulation of informal meetings.

Council officers have prepared the attached submission providing feedback on the proposed reforms, noting that the proposed reforms are not likely to be introduced prior to the local government elections.

Budget Implications

Nil

Policy Consideration

Shaping Southern Downs, Theme 1 Grow, Strategy 3 Strong Governance.

Community Engagement

Members of the community can make a submission to the Queensland State Government Economics and Governance Committee.

Legislation/Local Law

The relevant legislation is the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019.

Options

Council:

1. Endorse the attached Submission to the Proposed Local Government Regulatory Reforms – Informal Meetings.
2. Endorse the attached Submission to the Proposed Local Government Regulatory Reforms – Informal Meetings with amendments.
3. Not endorse the attached Submission to the Proposed Local Government Regulatory Reforms – Informal Meetings.

Attachments

1. Draft Submission [↓](#)

DK:MES

3 February 2020

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 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

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- (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

5. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 275(1) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

5.1 RFT 20_114 Storm King Dam Desilting

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.