

Ordinary Meeting - 9 March 2021

Replacing Fiction with Fact

Councillors,

Over an extended period of time several commentators within our local communities have propagated a series of false and misinformed allegations and assertions aimed at the operation and performance of this Council. These actions suggest that there is a lack of proper understanding outside of Council, of the legislative and regulatory environment that Council is required to operate in. The post Belcarra environment has introduced significant changes that this Council is implementing and upholding.

Most recently this poorly informed pattern of attack has evolved into a Change.Org petition based, again, on false assertions and, quite frankly defamatory innuendo under the banner 'Stop the Rot at Scenic Rim Regional Council'.

While we appreciate freedom of speech in our democratic environment, these misinformed attacks not only are a disservice to our community, but by association, they also attack the more than 400 excellent hard working Council employees. Like Councillors, Council employees have limited opportunity to respond publicly due to the Code of Conduct expectations they must also meet. And yes, it's unfortunate the commentators are not held to a Code of Conduct or a similar proper professional ethical standard in relation to the accuracy of information presented.

For the benefit of our wider community and, hopefully, to provide a fact base that commentators and the media can use for proper research, I believe it is timely to table some facts and observations for noting by Council. While this does not exhaustively address every aspect we are required to consider, I believe it will clarify some fundamental matters.

Fact 1: Where policies and procedures, applicable to Councillors, have been updated, this has occurred to satisfy the requirements of applicable legislation, NOT, as some have stated, to limit Councillors in the performance of their duties or to 'gag' them. Modern Councillors are required to perform to a higher standard than their historic peers, and also to operate at a strategic, not operational level. This makes some behaviours that may have been acceptable in the distant past, where Councillors involved themselves in day to day operational matters now unlawful. Councillors are also required, by legislation, to abide by confidentiality and privacy legislation. Council maintains relevant policies and procedures, which support Councillors to satisfy their obligations and avoid placing themselves in legislative breach.

Policies and procedures, applicable to Councillors, are subject to legal review and advice, as well as approval via resolution of Council.

Fact 2: Council operates two decision-making forums – Ordinary Meetings and Special Meetings. Both have legislated requirements, including public visibility of the agenda and related reports, except where legislation provides for confidential treatment of matters. When Council ceased the operation of Committees in 2019, by resolution of Council, it was with the very clear resolution that the matters previously managed via the Committees would be dealt with in full within the Ordinary Meeting program. This decision can be reviewed in the Report of the Corporate & Community Services Committee Meeting held on 21 May 2019, and the Minutes of the Ordinary Meeting of Council held on 27 May 2019.

At that time, Council also adopted a change to increase the frequency of Ordinary Meetings with the aim of improving efficiencies to progress time sensitive decisions within due and proper process. Ordinary and Special Meetings are the prescribed forums within legislation for the purposes of Council Decision Making.

Fact 3: Council also maintains a schedule of Councillor & Executive Workshops, which are not decision forums and are not open to the public. Such workshops and other briefings are provided for in the regulatory environment for councils across Queensland. Similar to other councils, these forums provide for interim briefings on projects, background briefings on issues of emerging significance and review of reports being prepared for Ordinary Meetings to ensure Councillors are satisfied they will have the information they need, when a matter is subsequently presented to Ordinary Meeting, when Councillors will properly consider and make decisions. I must again emphasise, these workshops are not decision forums - i.e. Council does not make decisions within the context of these forums as that would be illegal, nor do the workshops make recommendations to the Ordinary Meetings as has been suggested by some of the misinformed commentators.

Also, it is blatantly false and baseless to suggest that such workshops were introduced, or are used, to absorb the matters or decision processes previously dealt with in Committees. As previously explained these matters are dealt with in the processes of the Ordinary Meeting program.

Further, workshops have been a natural and approved part of the processes of management available to councils and used within this Council since before amalgamation. This has been verified within the records and historic policy and procedure versions within Council.

For further clarity such workshops and briefings were in place through periods when Council also had Committee structures in place. Even through that time, these workshops served a very similar role to what they do today and operate with very similar parameters.

Fact 4: Council Standing Orders have been in existence also since before amalgamation. Standing Orders provide a well-defined framework with the goal of ensuring Council Meetings are run effectively and with the application of suitable behaviour. Like policies and procedures, Standing Orders are also subject to ongoing review, particularly where prevailing legislation and regulation is subject to change.

Council's latest version of Standing Orders was developed generally in line with the relevant parts of the Model Standing Orders provided by the Queensland Government, with minor exceptions that provide additional opportunities for information clarity and transparency. These were included at the request of, and approval via resolution by, Councillors. Standing Orders do not prevent the opportunity for Councillors to table matters of concern through due

process. Standing Orders do not prevent the ability of Councillors to raise questions to Officers and other Councillors concerning matters under consideration. Standing Orders do require Councillors to undertake their contributions and questions via defined processes.

Fact 5: Councillors are legally required to abide by confidentiality and privacy legislative requirements pertaining to materials and information they have access to as a result of their role. These requirements play an important part in providing confidence for community members to rely on the appropriateness of information management.

In fact, to give access to the wide range of information that some commentators are suggesting they should have, would be illegal for any Councillor to provide. These same commentators purport to be the champions of integrity. However, they continue to make outlandish and offensive claims of inappropriate behaviour when Councillors are in fact meeting the proper standard.

Again, this is why Council has provided policy and procedure documents to give guidance for Councillors to support them in the proper compliance with their obligations.

Fact 6: There are proper avenues and processes in place for any individual to progress an allegation. These processes do have an expectation of proper evidence being available to support any such allegation. The Office of the Independent Assessor is one such body, set up on 3 December 2018, to take on the management of complaints involving Councillors. Complaints can be lodged with them via OIAcomplaints@oia.qld.gov.au

For more serious allegations or complaints, complainants can also contact the Crime and Corruption Commission via Complaints@ccc.qld.gov.au

Closing comments

Councillors, I have consciously stayed silent until today, however I believe now is the time to draw the line and stand up for truth - on behalf of our employees, our communities and our elected Councillors.

While there is more that could be explained about the complex operations of local government, I table this Mayoral Minute for your consideration.

Recommendation

That Council note and endorse the matters discussed in this Mayoral Minute as a proper fact-based explanation of core aspects of elected Council operation and process.

Cr Greg Christensen
MAYOR