

OSCAR President

From: Cr Jenny McKay <Jenny.McKay@sunshinecoast.qld.gov.au>
Sent: Wednesday, 7 February 2018 13:54
To: president@oscar.org.au
Subject: FW: Confidential sessions of Council

Afternoon Greg

Thank you for your email. Having spent years in local government I fully understand my responsibilities under the Local Government Act regarding confidentiality.

Should I consider that the CEO has placed something on the Agenda under Confidential that I do not believe should be heard in that arena, I would be more than happy to point out to him and fellow councillors that it should be a discussion held in public. I also note that you draw attention to Noosa Council regarding the number of confidential sessions held by them. To my knowledge, as Noosa is not building major infrastructure for the SC, I can fully understand that they would not need to speak confidentially about these types matters.

Regards

Cr Jenny McKay | Division 5
Locked Bag 72, Sunshine Coast Mail Centre Q 4560
P 07 5441 8372 **F** 07 5441 8338
M 0409 450 726
E jenny.mckay@sunshinecoast.qld.gov.au



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From: OSCAR President [<mailto:president@oscar.org.au>]
Sent: Thursday, 18 January 2018 3:23 PM
To: Cr Jenny McKay <Jenny.McKay@sunshinecoast.qld.gov.au>
Cc: Internet Mailbox Sunshine Coast Regional Council <scrcmail@sunshinecoast.qld.gov.au>
Subject: Confidential sessions of Council

Dear Cr McKay

OSCAR is increasingly concerned at the number of Confidential Sessions at Ordinary Council Meetings of the SCRC. We acknowledge that there may be legitimate reasons why an occasional closed session is appropriate but we believe the use of these sessions is excessive.

Our analysis of Council minutes indicates the following figures for confidential sessions from April 2016 (the start of this term of the current council) until December 2017:

Council	Number of confidential sessions
Noosa	11
Sunshine Coast	126
Number of times you have voted against going into closed session	1

We cannot understand why there is such a discrepancy between the two Sunshine Coast councils. This cannot be solely attributed to the relative size of the two councils as the complexity and range of issues considered by Noosa is similar to

that of the SCRC even if the scale differs. OSCAR representatives regularly attend Noosa Council meetings and we are well aware of the nature of items that Noosa's Councillors are prepared to discuss in public sessions compared with the SCRC. This is easily confirmed by looking at Agendas and Minutes on the Noosa Council website.

We would be interested to know why you have voted against motions to go into Confidential Session on only **one** occasion. Presumably you consider every such item carefully prior to Council meeting and have decided in all but one case that there is sufficient justification for conducting the discussion in secret. What is your rationale for this and can you explain how it is in the interests of ratepayers and the community as a whole to vote the way you do when a motion to close meetings to the public is put? Is it because you do not have time to properly consider these items before meetings, or you do accept that closed sessions are in fact in the best interests of the community or is it because you happy to automatically follow the direction of Council Officers?

OSCAR lodged a Right to Information application in relation to two Planning Scheme Amendments considered at the April 2017 Special Meeting and we were provided with all the documents that were presented in the confidential session; the only redaction that occurred was the removal of the names of submitters to the public consultation process – information we never sought and which was in no way relevant to the decisions you and your colleagues ultimately made on these amendments. Therefore we question why these items needed to be confidential in the first place and suspect that future Right to Information requests will further confirm our view that making such sessions confidential is unnecessary and contrary to open and transparent local governance.

The current use of confidential sessions encourages a perception of a culture of secrecy within the SCRC in the public mind which is regrettable – and perhaps undeserved. Why continue to encourage this suspicion however? We acknowledge that CEO Whittaker has indicated in recent correspondence to OSCAR that Planning Amendment session such as those of April 2017 will not occur in closed session in future. We welcome his assurance on this type of agenda item and hope to see this occur in practice for items like these, and that this change in council practice will extend to other items that have been traditionally considered in Confidential Session in the past.

To help our members further understand your personal position on this issue, it would be useful if you could explain how you intend to vote on the motion to go into Confidential Session for the following 3 items listed on next week's draft Agenda for the Council's Ordinary Meeting and why. We are confident you can explain your decision without divulging the confidential specifics of these items.

CONFIDENTIAL SESSION

11.1 BUSINESS PERFORMANCE

11.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - BRISBANE ROAD CAR PARK DEVELOPMENT

11.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC ACQUISITION - MOOLOOLABA

11.3 LIVEABILITY AND NATURAL ASSETS

11.3.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROPOSED LAND ACQUISITION - CROHAMHURST, UPPER STANLEY RIVER CATCHMENT

I hope you choose to reply to our request to help educate our members.

OSCAR's realises that the Council's actions are consistent with legislation (but notes that Section 275 of the *Local Government Regulation 2012* **does not** mandate going into confidential session for any reason) and that actual decisions are not made in confidential sessions. We fully understand the legislation but maintain that the public should be aware of the information and debate that informs the way you vote. This can only happen when council business, but for exceptional circumstances, occurs in sessions open to the public.

I look forward to hearing from you on this important matter prior to next week's Council OM.

Yours sincerely ... Greg Smith

President, OSCAR
(Organisation Sunshine Coast Association of Residents)

T: 0417 577 881

E: president@oscar.org.au

W: www.oscar.org.au

P: PO Box 105, Coolum Beach QLD, 4573

Note: Email is our preferred form of communication.



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