

OSCAR President

From: Michael Whittaker <Michael.Whittaker@sunshinecoast.qld.gov.au>
Sent: Saturday, 27 January 2018 06:50
To: OSCAR President
Subject: Re: Letter from Sunshine Coast Council to OSCAR re Confidential Sessions

Hi Greg

Thank you for your response .

I note your comments and respect your views.

I have a proposal for you to consider that may give you and your members an answer or partial answer to your concerns.

After the agenda for a Council meeting is published publicly I would be prepared to receive and respond to an email from your organisation questioning the justification underpinning the Officers decision for why it is being recommended to Council for an item to be confidential.

My proposal is conditional on the basis that it must be respected that any response would be provided at a strategic level only and would not provide any detail or specifics so as to allow someone to draw a conclusion on what is in the content of the report.

I would also not engage in any further debate/discussion after the high level justification underpinning why Officers believe the item should be confidential is provided.

Your members will need to respect my ability to respond in a timely manner every time due to my workload when there may only be 5 days to the council meeting from when the Council meeting agenda was published publicly.

I make this offer genuinely to assist members of the Community to better understand Council decision making processes .

Regards
Mike

Sent from my iPhone

On 26 Jan 2018, at 11:57 pm, OSCAR President <president@oscar.org.au> wrote:

Good evening Mike

See my comments below.

Greg

From: Michael Whittaker [<mailto:Michael.Whittaker@sunshinecoast.qld.gov.au>]
Sent: Thursday, 25 January 2018 21:14
To: OSCAR President <president@oscar.org.au>
Cc: SCC - Councillors <SCC-Councillors@sunshinecoast.qld.gov.au>; Sharyn Eyles <sharyn.eyles@sunshinecoast.qld.gov.au>
Subject: Re: Letter from Sunshine Coast Council to OSCAR re Confidential Sessions

Hi Greg

Sorry for the delay in getting back to you.

No problem. I appreciate how quickly you generally respond to my correspondence and this is appreciated. I have also felt that our correspondence is characterised by a degree of mutual respect

which I would want to continue. I know we can be robust but respectful in our discussions and hope that I do not fail that test myself.

No offence was meant in my response.

I was not offended but a little disappointed that you responded by claiming I had referred to meetings (which I never did) rather than number of confidential sessions within those meetings.

Your letter was not the usual measured response that I normally receive from you which did surprise me. You have, and will in future no doubt, challenge our assertions and arguments. That is both expected and respected. What disappoints is when a response misrepresents what is actually said and then is used to discredit our comment/s. OSCAR is no doubt seen by Council and you as an irritant at times but I think we do our best to be accurate and consistent in our arguments and do expect to be treated with respect and not be patronised.

I continue to believe my figure of 126 confidential sessions was accurate (now 130 after Thursday's OM) based on our careful analysis of the minutes since April 2016. However I repeat my offer to correct this figure, and the voting numbers for each Councillor, if you can point out where we have erred.

However numbers are always interesting depending on how you wish to present them.
Absolutely agree.

The 40 council meetings in the period specified by you is a statement of fact.

I have absolutely no reason to doubt that figure and have not done so; interestingly I had not bothered to actually count them but certainly accept the accuracy of your figure. I repeat my point that I never referred to the number of meetings in anything I wrote to Councillors or subsequently to you.

It should be noted that Council deals with approximately 20 items each council meeting and based on your numbers it means approximately 15% of Council items are discussed or partly discussed in confidential and that 85% are discussed in open public session.

More importantly 100% of all resolutions are made in open public session.

I accept your figures from the first sentence but they are not that useful as they do not address the nature or importance of what might be dealt with in closed session – we would regard a figure of 15% as too high and hope that it fall over time of course (and some of the changes you have already flagged with me may well have this result).

We have, and will continue to question why particular items are treated as confidential but have never suggested that no items should be treated this way. My view of where the balance should lie would differ from yours but again we are not suggesting nothing should be dealt with in closed session. An item that might involve the discussion of the sale of excess Council property and the amount that the Council would be prepared to accept for it might be an example. I am sure you can provide more general examples.

At some stage it would be good for OSCAR to sit down with you and hear why specific items are confidential. You and you officers are more than capable of doing that without breaching the confidential specifics and it could be a useful educative exercise for us.

It would also be good if meeting agenda gave a little more information about why an item is confidential beyond the fairly pointless quoting of a clause from the Regulations which is so vague and open that it is meaningless. I know this is exactly what other Councils do but that should never be the standard of governance that the SCRC has to accept.

The above information is in the context where Council, as a large and complex organisation, has a balance sheet with circa \$6B assets and a debt of \$290m which means approximately a 5% debt to equity ratio. If you compare the debt to equity in the family home owned by an average Australian Family this ratio is very favourable.

Council also expends close to \$250 million a year with external local contractors via a competitive pricing process and has around 2000 people working for it.

These issues along with the complex projects I outlined to you in my previous email requires certain matters to be discussed in confidential.

Most importantly for our Community is that Sunshine Coast Council has been independently assessed by the Queensland Audit Office for 9 straight years as having a clean set of financial accounts.

Secondly the Queensland Treasury Corporation (The banker to all Qld Local Government) has rated Sunshine Coast Council as Strong and Neutral which is the highest rating of all Queensland Councils.

I do not think I disagree with anything you have said in this part of your response. We have never, since I have been involved with OSCAR at least, questioned the financial strength of the Council. Our concerns about finance and budget have gone to questions of transparency but never to the overall financial position of the Council which we acknowledge is strong.

Councillors will continue to individually consider whether a matter should be discussed in confidential or not but ultimately it is a decision made by Council at the meeting the item is to be discussed . I have copied in all Councillors on my response as a matter of completeness.

I have no issue with this. OSCAR will continue however to pursue this with the elected Councillors because they are accountable to their constituency for the way in which they exercise their vote on all matters including going into closed session and we believe the community has the right to know how they do vote and how they justify it. Three of the councillors have extended the courtesy of responding to my initial email and I hope the others do rather than just relying on your letter.

If you have any further questions then please feel free to contact me.

I appreciate this offer as always.

Regards

Mike

Sent from my iPad

On 19 Jan 2018, at 6:35 pm, OSCAR President <president@oscar.org.au> wrote:

Hi Michael

Thank you for your quick response on behalf of Sunshine Coast Councillors.

I assume you have not actually read any of the emails I sent to Councillors as if you had you would be well aware that my figure of 126 relates to the number of individual items that have been considered in confidential session and not the number of meetings in the period in question. I have just re-read my original emails and there is absolutely no capacity for any reader to infer I was saying what you have suggested.

To believe that I would make the claim you have attributed to OSCAR is insulting as we are careful, and as accurate as is possible based on information publically available, in any claims we make in relation to local government transparency when we make representations to you, the Mayor or Councillors as you well know. I will be happy however to correct the public record in relation to the figure of 126 confidential items, and the individual voting figures I attributed to each Councillor, if they can be shown to be in error.

You would also be aware that we were asking how individual Councillors justify their general pattern of voting on motions to move into Confidential Session. To respond to that, or indeed to their intention at next week's meeting, would not require any revealing of confidential information. I am not sure how advising in advance how they might vote on the motion to go into Confidential Session next week would be pre-emptive of the deliberations on the day as those deliberations occur after the fact of the closed session motion.

I am also well aware of your 25 September email, acknowledged it in my correspondence to your colleagues, and made reference to the changes in policy on the treatment of some items as being a positive step in the right direction which we welcome.

My email to Councillors was perfectly appropriate – **they are elected officials who should be accountable for both their individual and collective actions.**

I understand why they have referred my correspondence onto you as CEO, and have no problem with that at all, but I would be disappointed if they felt that absolved them of the need to respond individually to my correspondence. I remain hopeful that they will do OSCAR, and its member organisations, the courtesy of a personal response on this important matter.

My initial intention was to copy this email to the individual Councillors as well but I have decided that would be disrespectful before I had responded to you in the first instance. I do this in the hope you might encourage them to respond albeit within the context of the advice you alluded to in your letter – I believe they have the intellectual capacity to respond to our questions without revealing confidential specifics.

Best wishes ... Greg

Greg Smith
President, OSCAR
(Organisation Sunshine Coast Association of Residents)

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