

## Charter – Independent Council Election Observer “ICEO”

### Purpose

The ICEO is established to enhance fairness and truth in the conduct of the 2020 Queensland Local Government Election process by operating as an independent “fact checker” in response to written review requests (“requests”) made to its dedicated website from Councils, councillors and candidates, with the aim of promoting truth and accuracy in campaigning, and in claims made by or about individual candidates for office, as part of 2020 Council election process. The ICEO may also act proactively in the absence of specific request to correct facts which it deems to be false or misleading. Its fundamental purpose is to provide a simple and quick means of ensuring that voters are not misled, and when casting their vote, will act on truth and accuracy. In this way democracy is enhanced. The ICEO does not in any way wish to interfere with robust and fair debate and commentary between candidates and with the community, which is a fundamental part of a fair democratic process leading up to election.

### Mode of Operation

Upon receipt of any request to its website, the ICEO will follow generally the process set out below with the aim of setting out the facts about the issue that are in dispute on all of its digital platforms, including social media, within 2 working days of receipt of the request.

### The Process

- Requests (random examples of which are set out below) will be assessed as soon as possible. Unless exceptional, this will be between 9am and 5pm daily during the working week.
- If, in the opinion of the ICEO, the request is properly one for one of the statutory bodies set up under State Law to monitor public officials and/or the election and ensure that it is conducted lawfully and fairly (i.e. the ECQ, CCC, DLGRMA, OIA and Police), the request will not be the subject of any form of publication by the ICEO. Rather, it will be referred to the appropriate body. As the Chair of the CCC has publicly stated on a number of occasions, if a person alleges corrupt conduct by an elected councillor or Mayor, it is more expedient not to publicly make the allegation before referring it to the CCC for investigation. The ICEO agrees.
- If, in the opinion of the ICEO, the request is trivial, frivolous, vexatious, without foundation in fact, spurious and/or malicious, the request will be summarily dismissed.
- The ICEO will only act on requests that have an identifiable and contactable complainant. Anonymous requests, as a general rule, will be summarily dismissed, but the ICEO may publish an opinion on the allegations contained in any such request, and/or refer it to the appropriate statutory body or bodies.
- In all other cases, upon receipt of a request, the ICEO will provide the respondent (the person or persons making the disputed claim) with the opportunity to provide all evidence upon which the claim is based. At the same time, the requestor will be asked to provide a brief statement as to why he or she says the claim is false and/or misleading.
- The ICEO will then make its own independent assessment of the claim from these submissions and relevant public sources (e.g. Council and Government websites) and publish its response on all digital platforms including dedicated Facebook, Twitter and other relevant social media accounts.

### Example 1

A candidate for office states that she or he intends to reduce rates by 30% if elected. His or her opponent complains that this policy will be fiscally irresponsible and will lead to significant loss of services and employment.

### Example 2

An elected Councilor complains that a number of declared independent candidates running against him or her are in fact acting as an undisclosed group and being financed from one source with a financial interest in the outcome of the election. This is denied by the group.

### Example 3

A candidate for office publishes material that alleges that a Councilor has been guilty of serious misconduct in office and is not a fit and proper person to hold the office and this is disputed by the Councilor

## **Relationship with Government**

The ICEO will carefully avoid any duplication or overlap with the functions and duties of the statutory bodies set out above, and, to that end, will strive to develop Protocols with each to prevent this from happening. The ICEO will have no role as an umpire, or judge or monitor of the election process and its propriety and integrity, except as is set out above.

## **Independence**

The ICEO acknowledges that its formation is as a result of a decision of the LGAQ and that that body is providing funding for this initiative.

However, the ICEO will operate under the auspices of Trekbay Pty Ltd, the service company wholly owned by the senior partners of King & Company, Solicitors and will make its decisions and express its opinions without reference to the LGAQ.

## **Staffing Arrangements**

In addition to Mr. Robertson, who will lead the ICEO and act as its public face, Marg Wenham has been recruited to provide ongoing media advice and former Council CEO Hayden Wright has been recruited to provide Council governance and finance advice. Tim Fynes-Clinton from King & Company, who have special expertise in local government law, will provide on-going legal advice to the ICEO. The engagement of other part-time employees, such as University students studying relevant disciplines, to assist in research and monitoring tasks, may occur depending on the volume of requests received.

## **Premises & Administrative Support**

The office of the ICEO will operate out of King & Company's premises at Level 7, 95 North Quay, Brisbane.

King & Company's service company, Trekbay Pty Ltd will provide all administrative support (e.g. administration staff, hosting of website and social media accounts, provision of IT etc.).

**Relationship with the Media**

Subject to maintenance of its independence and integrity, the ICEO will seek to develop a strong working relationship with media to assist in promoting the work of the ICEO in enhancing truth and accuracy in campaigning.

**Period of Operation**

The lead staff identified above have been recruited and operations started on 4 December 2019. The ICEO will conclude operations at the end of March 2020 after the election (the election date is Saturday 28 March 2020).