



# Office of the Mayor

City of Gold Coast

3 February 2020  
Our ref: MS#75552410

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The Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Secretary

I wish to make a submission strongly opposing the removal of the dishonest intent requirement from proposed s198D of the Local Government Act 2009 as set out in section 89 of the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019.

Queenslanders quite rightly expect honesty and integrity from their political representatives at all levels. I support that sentiment completely and believe that offences which include elements of fraud, corrupt conduct and similar should be dealt with severely.

However, the Chair of the Crime and Corruption Commission has allowed his lawyerly zeal to overcome commonsense. That might not normally matter so much but in this issue, it means that Councillors across Queensland – and their staff members – could be put behind bars for up to two years simply because of an administrative oversight.

The CCC proposal to remove the dishonest intent requirement from the legislation will be counter-productive to the best interests of Queenslanders for several reasons including;

1. It will criminalise Councillors for administrative oversights or matters of which they had no awareness even where there is no intent to act dishonestly or derive a benefit for themselves or a third party;
2. It will see Councillors dragged before the courts, removed from office and potentially jailed for mere administrative oversights and this not what the Courts and our jails should be used for;
3. It will discourage decent, competent Queensland citizens from pursuing a political career to the ultimate detriment of communities;
4. It will further add to the already onerous oversight of local government in Queensland as agencies and now the judiciary are called upon more and more to review particular decisions and actions of Councils and Councillors.

I respectfully ask the Committee to consider these matters and uphold the need for dishonest intent to be an essential element of taking severe action, including through the Courts, against elected Councillors.

And please understand that my view is based on actual examples I have been made aware of in Councillor Conduct registers around the state where elected representatives recorded for minor transgressions could in future be jailed under the CCC's requested change.

If the Committee were to review registers at Councils around Queensland it would see that quite a number of people currently serving their communities as Councillors would be locked behind bars away from family and friends under the CCC's proposed rule change.

It must be remembered that elected Councils across Queensland are a "broad church" comprising people from widely diverse backgrounds who simply want to serve their community. If they are filled with fear that an innocent action could lead to a jail term they will sensibly run a mile from wanting to be a Councillor and who could blame them? But that would be a tragedy for good governance in this state.

We want local government to be a vibrant mix of people and views – not a safe haven for lawyers and their like who feel they have the smarts to survive the CCC's rule changes.

Let me be very clear: if someone intends to do the wrong thing then they should pay the price. If it's serious enough then even a term of imprisonment could be appropriate. But threatening to jail Queenslanders for an honest mistake is like banishing people to the colonies for taking a loaf of bread to feed their starving family. It turns a minor mistake into a hanging offence and that's unAustralian.

Sincerely



**TOM TATE  
MAYOR**

