

RESPONSE FROM LIVINGSTONE SHIRE COUNCIL – LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL 2017

Livingstone Shire Council commends the Queensland Government on identifying recommendations to strengthen the transparency and integrity in local governments throughout Queensland.

Our Council agrees that it is important to deliver better accountability in council elections and council decision-making. In making this submission, Livingstone Shire Council acknowledges and generally supports the Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017 however does not support:

1. Prohibition on political donations from property developers; and
2. Empowering Councils to exclude councillors with a conflict of interest from council meetings.

The position of the Council with regard to the conduct of candidates in local government elections is that transparency is paramount.

Council was supportive of the Government's decision to introduce real time disclosure of electoral donations as an important step towards increased openness and transparency.

Council is however opposed to banning donations from categories or classes of donors, e.g. property developers, because this is discriminatory with the potential to create alternative actions with adverse consequences. Prohibition rarely works as it drives activity underground with those determined to circumvent the legislation finding alternatives to achieve the same outcome. In Council's view, regulation and transparency should be the primary focus, not prohibition.

Council supports the recommendations of the Local Government Association of Queensland (LGAQ) as alternative measures including disclosures by groups of candidates and banning donations from a political party to non-endorsed candidates as well as introducing a system of campaign spending caps.

Council believes such an approach would help prevent corruption and undue influence on decision making as it addresses the demand for campaign funds that drive fund-raising practices. Such an approach would reduce the cost of elections and make them more competitive, fairer and accessible to all who wish to run for their local council.

Council is also opposed to empowering councils to force councillors with a conflict of interest to leave the meeting. This power used to be in the Local Government Act but was removed because it was proven not to work and has the potential for abuse for political purposes.

Council supports the recommendation to require councillors to remove themselves from the meeting if they have received a gift or donation from the developer who has a matter being debated at the meeting, provided that the circumstances in which this must occur are clearly defined.

A broadly defined requirement to leave the meeting because of a conflict of interest would have ramifications for council governance and become unworkable, particularly in small and rural councils where it is common for councillors to have multiple conflicts of interest (real or perceived) due to their non-council related activities and relationships in those smaller communities.

Council supports LGAQ's suggestion that a conflict of interest arising from a gift or donation above \$500 could be required to be treated in the same way as a Material Personal Interest (MPI). Under s.172 of the Local Government Act 2009, a councillor with an MPI must leave the meeting when the matter is being debated.

Council is supportive that any legislative changes to improve transparency of local government election campaigns should also be applied to state elections.