



Councillor Wendy Boglary  
Postal Address:

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18<sup>th</sup> October 2017

Acting Committee Secretary  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000

**Submission in relation to: Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2016**

Dear Sir or Madam,

*"The objectives of the Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2016 as set out in the explanatory notes, are to:*

- 1. Reinforce integrity and minimise corruption risk that political donations from property developers has potential to cause at both a state and local government level.*
- 2. Improve transparency and accountability in state and local government level*
- 3. Strengthen the legislative requirements that regulate how a councillor must deal with a real or perceived conflict of interest or a material personal interest."*

Based on the objectives as per the Explanatory notes, I wish to submit my support for all the 31 Crime and Corruption Commission's recommendations as per the tabled report Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2016

In particular, I would like to mention recommendations 1, 20, 26.

**Recommendation 1 of the Belcarra Report is to review the feasibility of introducing expenditure caps for Queensland local government elections.**

Though I support (a) expenditure caps for candidates, groups of candidates, third parties, political parties and associated entities I do not support (b) there being a different cap for incumbents versus new candidates.

Having a difference in caps would give an unfair advantage to the party allowed to have the greater cap.

**Recommendation 20 of the Belcarra Report states that the Local Government Electoral Act, the Local Government Act and the City of Brisbane Act be amended to prohibit candidates, groups of candidates, third parties, political parties, associated entities and councillors from receiving gifts from property developers.**

I strongly support the changes the Bill is proposing will be unlawful including:-

- A prohibited donor to make a political donation
- A person to make a political donation on behalf of a prohibited donor
- A person to accept a political donation that was made (wholly or in part) by or on behalf of a prohibited donor
- A prohibited donor to solicit a person to make a political donation
- A person to solicit, on behalf of a prohibited donor, another person to make a political donation.

I also support the penalties being proposed for knowingly doing such an act including imprisonment.

**Recommendation 26 of the Belcarra report recommends that “the Local Government Act and the City of Brisbane Act be amended so that, where a councillor has a real or perceived conflict of interest in matter, it is an offence for the councillor to influence or attempt to influence any decision by another councillor or a council employee in relation to that matter at any point after the matter appears on an agenda for a council meeting (except in the circumstances described in Recommendation 23 part b). A suitable penalty should apply, including possible removal from office.”**

I support this recommendation but would like to extend the recommendation to include that it be an offence for a councillor with a real or perceived conflict of interest in matter to not be able to influence another councillor or council employee *at any stage of the application process including workshops* not as currently written in the recommendation as “after appearing on an agenda for a council meeting”.

It is vital for the integrity of decisions that any councillor with a conflict of interest not be allowed to partake in any discussions or workshops leading up to the application becoming an agenda item for a council meeting.

While supporting the State Government for presenting this Bill I also would encourage a review of the Local Government Act to further increase integrity within Local councils. In 2012 the Newman LNP Government made significant changes to the Local Government Act 2009. Assorted reasons were given for the changes including the need to give Mayor’s more power.

In my view, the provision of more power to Mayor’s was unnecessary and unjustified and has led to perverse and unintended outcomes that are disempowering the majority (the community) and empowering the few (Mayors and their supporters).

I do not contend that all Mayors’ in Qld are misusing their powers. This is an apolitical submission that does not seek to target any particular Mayor although we are aware of concerning misuse of Mayoral powers at local governments in Qld which I believe the State Government would also be aware of.

Section (12) (4) (d) and 170 (1) Local Government Act – Mayoral power to direct CEO and senior executives. The power for Mayors to direct the CEO “in accordance with policies” and in the other area it does not mention that. Surely this power should be removed or at least qualified. For example, if the power is kept, why not require the CEO or officers to maintain a register of directives given so Councillors can view the register from time to time. I believe this power should be removed from the Local Government Act and all directives be the from a resolution of council to improve transparency and trust amongst Councillors and the community.

There are increasingly reports of public perceptions of corruption and or self-interest with all levels of government. To prevent, dispel or uncover such acts those with the honour of representing the community in these positions have to adhere to the highest level of integrity and willingly be transparent and accountable in all their duties to their communities.

The Crime and Corruption Commission (CCC) is the “watchdog” to ensure due process is followed with good governance, and representatives are held accountable. To therefore not support all 31 of their recommendations gives merit to the public’s “*perceptions of corruption and self-interest.*”

Based on the Bill’s objectives and the reasons for them, which is to improve transparency and accountability in local government electoral disclosure requirements and conflict of interests and to remove any confusion, I support all recommendations in the Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017 and request that the Parliamentary Committee endorse these recommended changes and look forward to supporting further changes within the Local Government Act.

O and senior executives outside the normal Council decision making process has a number of issues. Mayors can use this power to pursue personal agendas at times without full knowledge of council. The power is mentioned in two areas of the legislation but it is inconsistent because in one area it refers to

Yours sincerely,



Wendy Boglary

