

## Office of the CEO

**Moreton Bay**  
Regional Council



Phone: 3205 0555  
Our Ref: A16074606  
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Acting Committee Secretary  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000

**By email only:** [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Sir/Madam,

**Submission on the *Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017***

Thank you for the opportunity to make a submission on the *Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017*.

We have included our submission in the attached schedule for your consideration.

Yours sincerely,

Daryl Hitzman  
Chief Executive Officer

attach

Moreton Bay Regional Council Submission: <i>Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017</i>	
Section	Comment
<b>Clause 24 - Insertion of section 175E(4) (Councillor's conflict of interest at a meeting)</b>	<p>The proposed mechanism for dealing with conflicts of interest in a meeting (the balance of councillors determining whether a conflict of interest exists and then deciding whether the relevant councillor should leave the room or participate further in the matter) has been included in previous iterations of the <i>Local Government Act</i>. Stephen Fynes-Clinton in the LGAQ Commentary on the <i>Local Government Act 2009</i> notes when talking about a similar provision at page 171 that:</p> <p>“From 2007 to 2010, the LGA 1993 contained provisions which required conflicts of the type covered by this section to be identified and disclosed, but left it to the councillor to decide whether or not to participate and vote. The original form of this section imposed a more restrictive regime under this Act, going so far as to empower other councillors to decide that a particular councillor had a conflict of interest and should leave the meeting, with a contravention being a disqualification offence under s 153. The potential for political abuse was identified in the initial commentary on the new approach, the author is anecdotally aware of such abuse occurring at the hands of majority councillors in politically divided councils.”</p> <p>Consequently, it is recommended that the existing methodology for treatment of conflicts of interest be maintained. The broader requirements in respect of disclosure may be a better balance in respect of the competing policy issues.</p>