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

Sent via email: lacsc@parliament.qld.gov.au

Dear Chair and Committee Members

We welcome the opportunity to make submissions on the proposed Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017 tabled in Parliament by the Government.

This submission is made on behalf of Brisbane Residents United, Brisbane's peak body for community resident actions groups. Whose purpose is to:

- Represent Brisbane and surrounding district residents and provide them with a united voice Governments on matters pertaining to urban planning and development.

- Act as a resource centre, facilitating information sharing across established and start-up local resident associations.

We welcome the Government's response to Operation Belcarra Report and its timely response to the most important issues raised by that report. We look forward to further legislation to deal with the remaining outstanding recommendations.

We believe the proposed Bill (Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017) goes some way to meeting the intention of the Crime and

Corruption Commission(CCC), and the desire of the community, for reform in the area of developer donations and handling of Conflict of Interest by councillors.

We support the changes proposed in relation to developer donations but would like the definition of developer to be expanded. As we have seen in Ipswich in the last election one of the companies donating to selected candidates had at the time an application before council to increase their dump size. This increase was of considerable commercial advantage to the company and yet they would not be seen as a development company under the proposed legislation.

Both State and Local Government award large contracts and are major employers and we feel these roles need to be taken into account with this legislation. This would mean including any organisation that would gain a financial advantage from its commercial dealings with either of these levels of Government.

Councils should not be permitted to set up investment corporations or industry advisory panels which are exempt from public scrutiny and not subject to the normal checks and balances that should be applied as governance to government operations at all levels.

We would also like to propose an amendment in relation to conflict of interest for the consideration of your committee.

To implement Recommendation 23 of the CCC Report, the Bill proposes
(Section 175E (3) (4)) that if a councillor has informed a meeting about their personal interests in a matter and the councillor does not decide to leave the meeting, other councillors who are entitled to vote at the meeting must decide:

- whether the councillor has a real conflict of interest or perceived conflict of interest in the matter; and
- if they decide the councillor has a real conflict of interest or perceived conflict of interest in the matter whether the councillor:

- must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on; or
- may participate in the meeting in relation to the matter, including by voting on the matter.

In our view the decision as to whether a councillor can remain in the room cannot be made by his/her fellow councillors. Once a conflict of Interest is declared (or reported by a third party), amendments to the LGA and COBA must mandate that councillors can take no part in debate or voting on the matter under consideration.

Requiring fellow councillors to decide whether a councillor has a real conflict of interest or perceived conflict of interest in the matter and then determine, in the cases where they do in fact decide the councillor has a real conflict of interest or perceived conflict of interest in the matter, whether they remain in the room appears to be introducing a level of unnecessary administrative complexity to the conduct of council meetings given the requirements of Section 175J.

Much more importantly, however, is that the community would have little faith in a process that requires a councillor's colleagues to decide these matters. We believe that councillors would be loath to vote against a colleague who has indicated an intention to remain in the room after declaring a conflict of interest. Or even worse use this ability to silence an honest councillor in a room of compromised councillors.

This removes the personal accountability of a councillor who under the legislation being proposed can claim it was his/her colleagues who determined whether she/he stayed in the room to take part in debate, and vote, on the matter in question. This makes the proposed section of the bill even less likely to result in ethical and consistent behaviour than is the case under the existing legislation.

The events that led to the establishment of Operation Belcarra, and its subsequent findings, strongly suggest that in the councils investigated, and clearly in other councils in Queensland (such as the Sunshine Coast Regional Council where there is little consistency in how certain councillors act after declaring a conflict of interest), there has been a historical failure by councillors to observe the spirit of previous legislation governing conflict of interest and their discretionary power in this area must be removed.

Therefore, I believe the intent and recommendations of the Operation Belcarra Report are best served by legislation that treats conflict of interest in the same way as material personal interest. Accordingly, conflict of interest should be dealt with in the same way as determined by Section 175C (2) (b) which requires that in the case of material personal interest [The councillor must] "leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is being discussed and voted on".

We would urge the members of the Legal Affairs and Community Safety Committee to consider favourably our request for the change we have proposed. We believe this would better ensure that the "stated policy objective of the Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017 ... 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*
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."*

is achieved, resulting in legislation that truly reflects the desire of the broader community for more open and transparent local government which is at the crux of this component of the proposed legislative reform.

We suggest that the suggestion of a financial cap on campaign expenditure by all candidates in Local and State Government elections would lead to a fairer electoral process that would not be restricted to the financially well off.

All legislation is only as good as its compliance procedures and the funding provided to ensure that these procedures are followed. We are heartened by the progress towards good governance that this legislation indicates.

We look forward to the rest of the legislative implementation of the CCC Operation Belcarra Report to deal with the remaining outstanding recommendations.

We request the opportunity to appear before the Committee in their hearing into this inquiry.

Yours sincerely

Elizabeth Handley

President

The Brisbane Residents United steering group