

Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023

Submission No: 13
Submitted by: Barry Cotterell
Publication:
Attachments:
Submitter Comments:

THE LOCAL GOVERNMENT (COUNCILLOR CONDUCT) AND OTHER LEGISLATION AMENDMENT BILL 2023

Unfortunately, the current legislation has been abused by some Councillors and a former Councillor in Noosa Shire to try and silence Councillors who act in good faith in representing their communities.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The interpretation of the Act has now been widened by the OIA and the Tribunal which has resulted in the Governance section of Noosa Council suggesting that Councillors declare COI which would not have previously been declared on a precautionary basis.

The result of this precautionary approach and the need to declare COI has resulted in Councillors spending an inordinate amount of time declaring and deciding COI issues. This is undesirable.

Proposed Amendments

The current Act is creating difficulties for Councillors to represent their communities when community associations are involved even in a fairly peripheral way, such as being consulted as part of a community consultation.

For the above reasons, it is suggested that section 150EO (1)(b) be amended by adding:

The Councillor holds the same opinion as a non profit community association or group with regards to a policy or outcome and neither personally stand to benefit financially from the decision before Council involving the relevant community.

Another suggested change would be:

The Councillor has declared a gift, loan or benefit from an entity during the election period and the decision before Council involving that entity does not involve that entity receiving a financial benefit.

It also could be made clear in the Act that where a decision before Council involves a non profit community association, a declarable COI does not arise unless the Councillor or an individual involved in the association is to receive a personal financial benefit from the decision and that a non financial benefit does not create a COI.

The admirable object of the Act is to prohibit inappropriate decisions by Councillors motivated by their COI.

However, the Act needs to ensure that it does not improperly interfere with Councillors ability to represent their communities and their community

associations, which are also representing the same communities, because of the existence of totally appropriate relationships which do not involve the Councillor or the community association benefiting as individuals when the community as a whole obtains a benefit.

Unfortunately, I missed the date for making this as a submission to the Committee so I am forwarding it to use as you see fit.

Regards,

Barry Cotterell

