Received : 10/2/06

**COUNCILLOR PAUL TULLY** LLB, JP (Qual)
IPSWICH CITY COUNCIL - COUNCILLOR FOR DIVISION 2

The Chairperson
The Gold Coast City Council Inquiry
Crime and Misconduct Commission
GPO Box 3123
Brisbane Qld 4001

Dear Mr Needham

**SUMBISSION REGARDING THE LOCAL GOVERNMENT ELECTORAL PROCESS**

This submission is made in my capacity as the longest-serving elected City Councillor in Queensland over 27 years from 1979 - 2006.

(This submission does not necessarily represent the views of the Ipswich City Council nor the Local Government Association of Queensland (LGAQ) of which I am an Executive Member.)

In accordance with your invitation to comment, I am willing to appear before a public hearing of the Commission to present and amplify my views.

Over almost 3 decades and 9 successive Local Government elections, I have witnessed at first hand a myriad of political, electoral and funding arrangements. Local Government in Queensland ranges from small Councils with part-time Councillors who meet monthly and are paid meeting attendance fees, to large Councils with full-time Councillors with suburban electorate offices who are paid a fixed percentage of a State Member's salary.

At the 2004 Local Government elections, the number of voters in some shires was exceedingly small compared to the larger cities. Comparative examples of the 6 largest and 6 smallest councils in Queensland are quite illuminating:

| | |
|---|---|
| City of Brisbane | 617, 854 enrolled voters |
| City of Gold Coast | 273, 294 enrolled voters |
| City of Logan | 101, 395 enrolled voters |
| Shire of Maroochy | 88, 336 enrolled voters |
| Shire of Pine Rivers | 86, 184 enrolled voters |
| City of Ipswich | 83, 089 enrolled voters |

| | |
|---|---|
| Shire of Bulloo | 284 enrolled voters |
| Shire of Burke | 231 enrolled voters |
| Shire of Ilfracombe | 212 enrolled voters |
| Shire of Isisford | 194 enrolled voters |
| Shire of Croydon | 193 enrolled voters |
| Shire of Diamantina | 179 enrolled voters. * |

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* (From the 104 formal votes actually cast in Diamantina Shire, Cr Geoff Moreton was re-elected to one of six Councillor positions with just 74 votes – the smallest number of votes received by any winning Councillor in Queensland at the 2004 election. Which tends to substantiate the legend that in Diamantina, Councillors who fall out with their families, won't be re-elected next time!)

It is obvious that a "one-size-fits-all" approach to local government electoral reform would not necessarily be appropriate for Queensland's 125 Councils, especially in relation to funding limitations and other restrictions. To garner 74 votes in Diamantina Shire to become a Councillor would require a campaign of no more than 37 phone calls to 37 families @ 25c = $9.25. That level of expenditure should be contrasted with a divisional election in a large city where how-to-vote cards alone would cost 200 times that amount!

My submission regarding local government electoral reform is as follows:

## 1. <u>THE MAYOR OF EACH COUNCIL IN QUEENSLAND SHALL BE ELECTED QUADRENNIALLY BY THE COUNCIL</u>

My view - which I have espoused since the 1970s when the state government of the day continually changed the laws regarding mayoral elections in Queensland - is that mayors should be elected by the Council after each quadrennial election.

This would bring mayoral elections into line with the same procedure adopted for the appointment of State Premiers and the office of Prime Minister.

As with Premiers and the Prime Minister, it would ensure that the Mayor would always be supported by, and enjoy the confidence of, his or her colleagues. It would avoid the debacle of 1978 when the Gold Coast City Council was dismissed when the Mayor of the day, Sir Bruce Small, did not have the confidence of his Council, which lead to irreparable rifts between aldermen. Just recently, the Mayor of Logan Cr John Freeman resigned because he did not have the support of his Council. This is potentially a growing and undesirable trend in local government where third parties and other vested interests candidates can provide immense financial support in order to foist a new mayor on a council who is always at odds with a majority of other councillors.

But it is in the context of electoral funding that the need for this particular legislative reform becomes more paramount. For obvious reasons, elections for divisional Councillors in Queensland tend to be on a much smaller scale than some of the grand, presidential-style mayoral elections we are now seeing in Queensland every 4 years.

A mayoral election at large might cover the equivalent of 3 or 4 state seats in some of the larger provincial cities. This necessitates large financial campaigns and the mobilisation of massive resources which is at the root of the very problems which have emerged on the Gold Coast. Powerful campaigns by third parties and other vested interests backing individual mayoral candidates (supplemented by other strategic funding for selected divisional candidates) can distort the democratic process.

Where direct election of mayors occurs such as in Queensland, third parties and other vested interests often see the position of mayor as the jewel in the crown to "control" an individual council, whereas an election of the mayor after each quadrennial election by all Councillors would blunt such financial and political opportunism.

One of the issues to arise from the Gold Coast Inquiry is the enormity of funding available to, and required by, mayoral candidates. This trend will continue in Queensland with 9 Councils set to have more than 100,000 voters each in the near future. Queensland is one of the few states in Australia where all mayors are elected at large. In New South Wales, the vast majority of mayors is elected by the Council. In all councils in Victoria (except Melbourne) the mayor is elected by the Council. In South Australia and Western Australia, mayors are generally elected by the Council.

The current situation of direct mayoral elections encourages massive financial campaigns. It provides a focus of funding for large developers and other vested interests and it fosters situations where mayors may not have, or may lose, the confidence of the Council. This should be contrasted with the State and Federal situation where Premiers and Prime Ministers must firstly win a seat in their own right and then secure the confidence of sufficient members who form a parliamentary majority.

A similar system at local government level would significantly minimize any untoward efforts by developers or other vested interests to exert undue influence over a council. For example, the constituency of the Mayor of the Gold Coast is 273,000 electors – three times the size of a federal electorate and more than 10 times the size of a state electorate. This has lead to powerful groups attempting to influence the outcome of mayoral elections, as mayors can claim their authority from the electorate rather than as a figurehead and leader of the Councillors.

At local government elections, voters are hard pressed to know and understand the policies and philosophies of candidates because very few are endorsed by political parties and even fewer disclose their party political leanings. State and Federal election campaigns provide a measure of confidence to the voting public that their elected members are supportive of the various respective party policies - which leads to high degree of political certainty and stability.

The promises of the vast majority of candidates at most local government elections are wrapped up in benign, feel-good platitudes to "represent you", to "look after your interests", to "support the environment", to "provide honest representation", etc etc, all of which mean absolutely nothing in real terms.

The system of direct elections of mayors is superficially attractive, but plays into the hands of candidates who are well-heeled or well-backed by third parties or vested interests. I can say from winning 9 straight divisional elections, most-recently with 80% of the vote in 2004, that a candidate or sitting Councillor has to have a close and significant rapport with the local community in a local area if he or she wishes to win an election. Whilst I would baulk at saying that truckloads of money couldn't buy a divisional election result, hard work, honesty and representing local people at a local level over local issues, would almost always be sufficient to overcome any attempt by third parties or vested interests to manipulate a local divisional election.

It stands to reason that if there were only divisional, and not separate mayoral elections, all successful candidates would be elected on an equal footing and would select a Mayor for 4 years based on trust, confidence and goodwill, not one foisted upon them by third parties and other vested interests who can throw limitless amounts of cash at ensuring a particular election outcome which has happened in Queensland and developing parts of New South Wales.

By changing the method of electing mayors in Queensland, the likelihood of these manipulative practices via radio, television and the print media utilising gargantuan election funding could be eliminated or at least significantly reduced.

**2. WITHIN 2 DAYS OF NOMINATION, A CANDIDATE SHALL BE REQUIRED TO LODGE A DECLARATION OF INTERESTS IN A SIMILAR FORMAT TO THE MATERIAL PERSONAL INTERESTS REGISTER (MPI). IN THE EVENT THAT SUCH DOCUMENT IS NOT LODGED, THE NOMINATION SHALL BE DEEMED TO BE VOID.**

At present, it is only AFTER an election that voters can find out details relating to SUCCESSFUL candidates. Some of this information is quite critical to the electoral process – particularly at a local government level – and should be required to be disclosed, by law, prior to the election. Information relating to directorships, land holdings, party political memberships etc are crucial issues of which the public should be informed BEFORE they are required to vote.

At present, a candidate can effectively conceal important information about themselves until after he or she is elected. By then, it is too late for the public to take that information into account in their voting deliberations. If potential candidates don't believe that they should be subject to such scrutiny, there is a simple answer – there is no obligation on them to stand for public office.

**3. ANY CANDIDATE WHO IS A MEMBER OF A POLITICAL PARTY (OR A GROUP OF CANDIDATES) SHALL HAVE SUCH INFORMATION RECORDED AGAINST HIS OR HER NAME ON THE BALLOT PAPER.**

One of the most fundamental aspects of our political system is the right of voters to know the political allegiances of their potential representatives. At state and federal level, there are 3 main political parties and a host of other registered political parties. Their policies and philosophies are normally well-known. "Independent" candidates at state and federal level are generally quite independent of the main parties. This is not the case at local government level. Political activists are able to conceal their party memberships until after the election, when only successful candidates are required to declare their party affiliation on their register of Interests. Knowledge of such matters is fundamental to the political process (whether such persons are endorsed candidates or not) and voters should be afforded the opportunity when they vote to know the political party or group of candidates to which a particular candidate belongs.

The mere publication of such information beforehand is unlikely to achieve the same broad dissemination of the information to all voters as would the printing of such information on the ballot paper issued to every single voter.

The catch-cry of some so-called "independent" candidates to "keep party politics out of local government" is frequently espoused by card-carrying members of political parties, who may be candidates themselves, and who are nothing but clever party political operatives masquerading as independents.

**4. AN ELECTION GIFT OVER A SPECIFIED SUM SHALL BE REGARDED AS CONSTITUTING A "DEEMED MATERIAL PERSONAL INTEREST" (MPI) IN RESPECT OF THE DONOR FOR A PERIOD COMMENCING FROM THE DATE OF SUCH GIFT UNTIL ONE (1) YEAR FROM THE DATE OF DECLARATION OF SUCH GIFT.**

The public is generally of the view that a substantial gift to an elected member at least appears to constitute a "tie" or a link to the donor. It follows that any subsequent decision involving that developer may be regarded as "tainted' by such association. It would prudent to have some legal requirement which would ensure that any substantial donation precluded a Councillor from voting on matters pertaining to the donor for a fixed period. In my view, there should be 2 elements to trigger such disclosure requirement viz. amount and timing.

The issue of the amount of the donation which would trigger a "deemed MPI" needs to be very carefully considered. A $500 donation to a candidate in Winton might be regarded as quite large whereas in large cities and highly urbanised shires where Councillors are full-time and need to run substantial campaigns, this would not necessarily be regarded as substantial or large donation. Equally, if every donation triggered a deemed MPI, this could be unworkable as the mere purchase of $5 worth of raffle tickets might trigger a voting prohibition. Also, the question of how long the obligation might endure needs to be considered.

In relation to all existing MPIs, once the connection is severed, there is no on-going disclosure requirement or penalty for voting in respect of such former MPI. For example, if a Councillor terminated his or her contract of employment the day before a Council meeting, he or she would be free to vote on his/her former boss's town planning application the very next day.

A workable suggestion might be that any deemed MPIs would be triggered only in respect of donations from the one donor in excess of $5000 and that such deemed MPI would continue for a period of one (1) year from the date of declaration of such gift.

## 5. ABOLITION OF DOUBLE DISCLOSURE REQUIREMENT FOR ELECTION GIFTS

At present, an election donation properly recorded on the register of election gifts must also be recorded in the register Material Personal Interests.

For example, a cash gift to a Councillor which is also an election gift must be recorded on both registers.

There does not appear to be any logical reason for this dual disclosure requirement.

I am aware of only 2 Councillors in Queensland who comply with this dual disclosure requirement which could be abolished, by providing that a declaration of an amount as an election gift does not require a separate disclosure as an MPI.

## 6. THERE SHOULD BE PUBLIC FUNDING OF LOCAL GOVERNMENT ELECTION CAMPAIGNS.

There should be public funding of local government election campaigns similar to arrangements for State and Federal elections.

The catch-cry of "no party politics in local government" is - more often than not - a furphy, enunciated by so-called "independent" political opponents running clearly political agendas and who are often members of political parties themselves.

The rigours of party membership and the general supervision afforded by the overt political process offered by registered political parties affords a degree of discipline not otherwise available to so-called independents.

Public funding would provide an opportunity for greater transparency and stability in local government. Public funding would be likely to generate more overt political interest by registered political parties and other formalised groups of candidates.

Measures would need to be instituted which ensured that public funding was available only to candidates who received a fixed threshold percentage of the vote.

Public funding also ensures that the general philosophies and views of "like-minded" candidates are clearly put before the public. A transparent system of groups and parties provides a greater mechanism of control by the electorate who are able to vote the group in or out, depending upon their promises or, ultimately, their failure to deliver thereon.

At present, so-called independents have the luxury of claiming the credit for all of the popular decisions of Council and of hiding behind a political veil by blaming their colleagues for all of the poor or controversial decisions.

## 7. MPI SPOUSE AND DEPENDENT CHILD DETAILS SHOULD AGAIN BE AVAILABLE TO ALL COUNCILLORS

On Saturday 27 March 2004 (Local Government election day), amendments to the Local Government Act quietly came into force which removed the right of Councillors in Queensland to inspect their colleagues MPIs in respect of spouses and dependent children.

A member of the public has the right to inspect only Councillors' MPIs. As some protection for the public against Councillors secreting interests into their wives or children's names, other Councillors were permitted to make such inspections but were legally prohibited from divulging any information from the register (eg to the media). However, the information could always be provided in good faith to the CMC or other law enforcement agencies.

That protection has all but gone. Now, only the mayor or CEO can inspect other councillors' spouses' or dependent children's MPIs but the situation is not reversed – a councillor cannot inspect a mayor's corresponding records or those of any other councillor.

This means that if a councillor were to be given confidential information that another councillor was voting on matters in which his wife had an MPI, there is no longer any simple mechanism to make an inspection of the register without involving the CEO or the mayor.

The current efficacy of the disclosure system has been severely curtailed by this 2004 amendment and I am sure that it will emerge in time that someone will exploit this loophole by voting on matters where their spouse or dependent children have an MPI.

The system appeared to work well up to 27 March 2004 and should be reinstated to ensure that all Councillors know that there is a real prospect that any failure to properly disclose all of their family's interests might be discovered by other councillors and reported to the police or CMC. It is beyond comprehension why the system was changed.

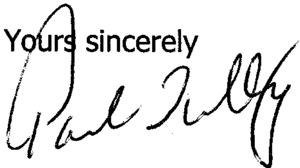
8. **<u>IT SHOULD BE A CRIMINAL OFFENCE TO FALSELY DECLARE A MATERIAL PERSONAL INTEREST</u>**

I am aware of situations where Councillors have purported to declare an MPI when clearly none existed. This may occur for a variety of reasons such as avoiding a possible conflict of interest or to avoid voting on a sensitive matter by falsely declaring an MPI, which deliberately misleads others councillors and the broader public. This then disenfranchises the councillor's constituents for legally-spurious and politically-improper reasons.

It should be an offence to knowingly declare or disclose a purported MPI which does not in fact exist.

In conclusion, I have attached in Annexure A, my comments regarding "Issues for Consideration" in respect of which the CMC has also invited comment.

Yours sincerely



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10 February 2006

# ANNEXURE A

**Unique disclosure provisions for local government**
*Should the laws relating to the disclosure of election gifts for candidates at local government elections differ from those applying to candidates at state government elections?*

There is no reason that the laws relating to election gifts should differ materially between all three levels of government. The recognition that all Councillors perform an executive function as opposed to backbenchers and non-government members of parliament who do not, might require a sharper focus for disclosure provisions, but generally there should be no differences in the applicable principles.

**False or misleading statements of candidates**
*Is the existing law prohibiting false statements of fact about the personal character or conduct of a candidate adequate to safeguard the integrity of local government elections? If the current law is inadequate, what changes should be made?*

The attempt by the Commonwealth Government some years ago to make it a criminal offence to mislead voters was doomed to failure and lasted less than one election. The current electoral laws, combined with the existing defamation laws, provide a wide range of potential remedies against recalcitrant candidates. The Australian electoral process is always one of claim and counter claim and any attempt to provide criminal sanctions to cover such a colourful process is bound to lead to endless arguments, complaints, threatened legal action and time wasting of the police, CMC and the courts by defeated candidates cluttering the criminal justice system.

**Electoral bribery**
*Is the existing law relating to electoral bribery in local government elections appropriate?*

Generally, yes – but the mere discussion of potential funding by potential candidates with potential donors should never be a criminal offence. Such discussion in most cases would be more akin to genuinely weighing up one's chances of success rather than engaging in some action which only the most-strident black-letter lawyer would characterise as electoral bribery.

**Periods in which election gifts have to be disclosed**
*Should the period in which candidates must disclose election gifts be changed?*
*Should candidates have to disclose election gifts received at any time before an election?*
*Should the period after an election in which candidates have to disclose gifts be increased?*

Candidates should be required to disclose all election gifts within seven (7) days of receipt, including periods before an election. There should be no restriction on when gifts may be received during the 4-year election cycle but they should all have to be disclosed within 7 days. At present, once a candidate's final return for one election is made, he or she can wait 4 years before making another. An on-going disclosure requirement would eliminate all of the current problems.

**Fundraising**
*Should the LGA be amended to clarify the disclosure requirements for monies received through fundraising activities?*

Yes. Provided there is some threshold limit for not having to identify bona-fide small donations such as from raffles, dinners etc. The current $200 limit could be increased to the $500 limit which currently applies to gifts disclosable under the Register of Material Personal Interests - provided the loophole enabling candidates to circumvent the disclosure law with bogus dinner tickets etc is closed. Having a $200 threshold for disclosing election gifts and a $500 threshold for ordinary gifts which have to be disclosed on a Councillor's MPI register is confusing for everyone.

**Lodgment date for returns**

*Before an election, should candidates have to disclose elections gifts they have received?*
*Should candidates be prohibited from accepting election gifts for a period after the disclosure deadline. If so, for how long?*
*If candidates are prohibited from accepting election gifts for a period after the disclosure deadline, what other provisions should be introduced to prevent abuse of this prohibition?*

Candidates should be required to lodge a return within 7 days of each gift being received. (See above.)

Most donations are likely to be made in the hurly-burly of the campaign. From my experience, this continues up to election day with some promised donations still dribbling in after election day. It seems totally unfair that such donations might have to be refused. The only legal requirement should be that all donations are promptly disclosed within a 7-day period after receipt of the donation. As stated above, there should be no impediment to receiving a gift at any time during the 4-year election cycle, provided the gift is promptly disclosed within 7 days and recognising that a deemed Material Personal Interest is automatically created for a period of one (1) year from the date thereof.

**Groups of candidates**

*Should any person who is not a member of candidate's campaign committee be allowed to solicit funds on behalf of the candidate?*
*Should candidates who share election funding be required to be part of an identifiable group of candidates?*
*Should there be a registration requirement for groups of candidates?*
*Does the definition of a 'group of candidates' require amendment?*

It should NOT be a criminal offence for a third party to solicit funds for a candidate. This would ignore the reality of the process and would deny the opportunity for genuine candidates to have someone soliciting bona fide funding on their behalf. Currently, most candidates (whether endorsed by a political party or not) generally have a campaign manager who might not necessarily be formally a member of the relevant campaign committee. Provided that all donations are promptly disclosed within the suggested legal time limit, there should be no prohibition on an individual seeking donations on behalf of a candidate.

Groups of candidates should be required to be registered as part of their nomination process and such details should appear on the ballot paper, as suggested in my principal submission where I have recommended that a member of a political party or group of candidates should have that information formally recorded on the ballot paper. This would apply whether or not a political party member was officially endorsed by their party. After an election, successful candidates are currently required by law to declare their membership of political parties on their Material Personal Interests register. This information should be available BEFORE the election and on the ballot paper, so that voters cannot complain that they were unaware of such matters because of less-than-thorough media reporting.

**Donations via solicitors'/accountants' trust accounts**

*Should there be specific reference to solicitors' /accountants' trust accounts in the LGA? If so, in what form?*

Yes. The legislation should provide that donations via solicitors'/accountants' trust accounts should be subject to mandatory disclosure of the actual source of the donation.

**Origin of candidates' donations**

*Is there any good reason for allowing candidates to accept donations from unincorporated associations, trust funds or foundations that have sourced donations from individuals or companies?*
*Should candidates be allowed only to accept election gifts directly from the person making the gift?*

Any perceived problem could be overcome by strengthening third party disclosure requirements in the legislation. Candidates should be permitted to receive donations from all sources provided they are properly and fully disclosed.

**Anonymous donations**

*Is the current penalty for accepting anonymous donations adequate?*
*Should the acceptance of anonymous donations above the prescribed amount be an offence?*

The current legislation requires any anonymous donation to be forfeited to the CEO of the relevant Council. If a criminal sanction is to be imposed, it should relate to the failure to pay the money to the CEO, rather than the possible innocent receipt of an anonymous donation. If the mere acceptance of an anonymous donation were to become a criminal offence, then what is a candidate to do if such a donation is actually received, for example, by mail? Destroy the gift?

**Third parties and parallel campaigns**

*Should a third party have to disclose its expenditure as well as donations received?*
*Should the $1000 threshold above which donations have to be declared be lowered?*
*Should third parties have to lodge returns before an election?*
*Should election advertising instigated by a third party that is not an individual have to identify the third party as well as the individual who authorised the advertisements?*

Third parties should be obliged to disclose both expenditure and donations. $1000 does not appear to be too high a limit in such circumstances. The timing of third party returns should be the same as for candidates (see above). Both third parties and individuals should always be identified.

**Limits on election expenses**

*Should there be limits on election expenditure in Queensland local government elections?*
*If so, should first-time candidates be allowed to spend more than incumbent councillors, to take account of the incumbent's natural advantage in relation to voter recognition? If there were to be limits on election expenditure, how would a candidate's expenditure be audited to ensure compliance?*

There should be NO limit on election expenditure. If a limit were to be imposed, it would serve to encourage multiple "running mates" for key candidates to maximise the amount of available expenditure to attack their real opponents.

Given the variety of circumstances applicable to local government in Queensland, it is more important to ensure a wholly transparent process.

It would be an affront to democracy to allow opponents to spend more than incumbents. Would it be regarded as democratic that Kim Beazley could spend more on an election campaign than John Howard? Or, if Lawrence Springborg could legally run a bigger campaign than Peter Beattie. In relation to local government, all of a sitting Councillor's opponents are trying to defeat the incumbent. Even under the current system, an incumbent - with 4 opponents and all spending the same amount – has only 25% of the total money available to his or her opponents to fight off the challengers. Under this proposal, the incumbent would be even worse off. This suggestion would encourage multiple candidates to get together with higher permitted individual thresholds than a sitting Councillor and run a concerted campaign to wipe out the incumbent, courtesy of an extremely anti-democratic law.

This proposal should never be allowed to see the light of day. The only difference between this proposal and one suggested by the presidential dictator Robert Mugabe is that he wanted the HIGHER amount of funding for his own sitting government members, not the opposition!

**Loans to candidates**

*Should the LGA be amended to require candidates to disclose details of loans received?*

Yes.

**Enforcement**

*Is the existing system of enforcing the disclosure provisions of the LGA operating effectively, and can it be improved?*

The system generally works adequately but can be refined by reference to the current issues being considered by the CMC.

**Penalties**

*Are the current penalties for offences in relation to election returns appropriate?*

Yes.

**Conflicts of interest**

*Are the current provisions of the LGA in relation to conflicts of interest on the part of councillors sufficient? If not, what improvements should be made?*
*Should councillors be prohibited from participating in council matters that involve a person who gave an election gift to the councillor?*
*Should failure by a councillor to appropriately resolve a conflict of interest be an offence under the LGA?*

My comments regarding "deemed" MPIs in respect of election gifts are noted earlier.

It would be impossible to determine as part of legislative criminal sanctions if a councillor had adequately "resolved a conflict of interest". What would that mean to a judge or jury in a criminal trial when the resolution is something in the mind of the Councillor?

Potential conflicts of interests can arise many ways. Simply because they are perceived by some people as being wrong should not necessitate the need for criminal sanctions.

Political and media attacks are often wrongfully made against Councillors for voting on matters where some would say there is a conflict of interest. The Parliament of Queensland has chosen to ensure that voters are NOT disenfranchised if their Councillor has a potential conflict of interest by forcing their representative to leave a meeting. This voting prohibition applies only to Material Personal Interests.

There are numerous examples of what may constitute a conflict of interest. A donor? A former employer? A family friend? A business acquaintance? Golfing partner? Former class mate? Best man at a wedding? Former school? Drinking mate? Local motor mechanic? The list would be endless. Especially where Councillors are heavily involved in their local communities, either in small shires or as full-time Councillors, there could be dozens of potential conflicts of interest arising on a weekly basis.

Voters could be continually disenfranchised because of the merest hint of any prior association with a person. If the clear distinction between Material Personal Interests (which create an absolute bar on participating or voting on a matter) and other "interests" is maintained, there will generally be few problems.

But on all issues before a Council, it is a fundamental principle that all voters have the right to expect their Councillor to be present and to vote on all matters, except where the Parliament has legally required them to absent themselves. My unequivocal view is, that however embarrassing a situation might be (i.e. where there may be a perceived conflict of interest) a Councillor's first duty is to his/her constituents and he/she should not abandon them in the Council chamber just because he/she might be pilloried later by the press or public who do not comprehend the principles involved.

The right to representation is paramount and should never be denied to one's constituents by a councillor simply to avoid some possible embarrassment.

The government should, in conjunction with the Local Government Association of Queensland (LGAQ) embark on an education campaign to explain to the public why MPIs are treated so

seriously and why other business, personal or professional connections (not constituting an MPI) should not be grounds for forced removal from a Council meeting.

**Donations through political parties**

*Should local government candidates endorsed by registered political parties have to disclose election gifts received by the candidate's campaign committee, and donations received by the party's central office where the candidate is aware that the donation was made for the candidate's benefit?*

Donations to political parties are covered by separate legislation relating to disclosure requirements. There should be no duplication of reporting requirements where individual donations are disclosed under other state or federal legislation.