



Councillor responsibilities under the *Local Government Act 2009*

October 2019



© State of Queensland, October 2019. Published by the Department of Local Government, Racing and Multicultural Affairs, 1 William Street, Brisbane Qld 4000, Australia.



Licence: This work is licensed under the Creative Commons CC BY 4.0 Australia Licence. In essence, you are free to copy and distribute this material in any format, as long as you attribute the work to the State of Queensland (Department of Local Government, Racing and Multicultural Affairs) and indicate if any changes have been made. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

Attribution: The State of Queensland, Department of Local Government, Racing and Multicultural Affairs.

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered.



The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone the Queensland Department of Local Government, Racing and Multicultural Affairs on 13 QGOV (13 74 68).

Disclaimer: While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this document is available on the Department of Local Government, Racing and Multicultural Affairs' website at www.dlgrma.qld.gov.au.



Contents

Glossary.....	4
Preface	5
1. Local government legislation in Queensland.....	6
2. Local government roles and responsibilities.....	8
2.1 Role of local government	8
2.2 Role of councillors.....	9
2.3 Role of the mayor.....	11
2.4 Role of the chief executive officer	11
2.5 Role of all local government employees	12
2.6 Councillor entitlements	12
2.7 Local laws	13
3. Ethical behaviour and decision making	15
3.1 Councillors’ interests and the public interest.....	15
3.2 Registers of interests	15
3.5 Use of information acquired by councillors.....	21
4. Councillor conduct and complaints management system	24
4.1 Uniform code of conduct.....	24
4.2 Model meeting procedures	25
4.3 Councillor conduct	25
4.4 Complaints about councillor conduct.....	27
4.5 Integrity offences and penalties	28



Glossary

Belcarra Report	The CCC's report titled <i>Operation Belcarra: A blueprint for integrity and addressing corruption risk in local government</i>
CCA	<i>Crime and Corruption Act 2001</i>
CCC	Crime and Corruption Commission
CCT	Councillor Conduct Tribunal
CEO	Chief Executive Officer
COBA	<i>City of Brisbane Act 2010</i>
COC	Code of conduct
COI	Conflict of interest
Department	Queensland Government department that administers local government
DG	Director-General of the department
EA	<i>Electoral Act 1992</i>
IA	Independent Assessor
IC	Integrity Commissioner
IPA	<i>Information Privacy Act 2009</i>
LGA	<i>Local Government Act 2009</i>
LG(CC)AA	<i>Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018</i>
LGEA	<i>Local Government Electoral Act 2011</i>
LG(IB)AA	<i>Local Government (Implementing Belcarra) and Other Legislation Amendment Act 2018</i>
LGR	Local Government Regulation 2012
LGRC	Local Government Remuneration Commission
LGRDT	Local Government Remuneration and Discipline Tribunal
Minister	Minister responsible for local government
MPI	Material personal interest
OIA	Office of the Independent Assessor
PA	<i>Planning Act 2016</i>
PIDA	<i>Public Interest Disclosure Act 2010</i>
RTIA	<i>Right to Information Act 2009</i>
QCAT	Queensland Civil and Administrative Tribunal
QCAT	<i>Queensland Civil and Administrative Tribunal Act 2009</i>
RCRP	Regional Conduct Review Panel
Solomon Report	The report of the Independent Review Panel into the councillor complaints system



Preface

This resource provides an introduction to the roles of councillors and an overview of the key important responsibilities of councillors including managing material personal interests, conflicts of interest, registers of interests, ethical behavior and decision-making, and standards of conduct.

Disclaimer

This is not a comprehensive guide to the responsibilities of mayors, councillors and employees of local government, but rather an overview of the key provisions of the relevant legislation. It is strongly recommended that mayors, councillors and local government employees familiarise themselves with the provisions of the legislation referenced in this document and refer to that legislation for the requirements on their roles, functions, powers and responsibilities. Legal advice should be obtained on any questions about compliance with the legislation.

Additional information

The Department of Local Government, Racing and Multicultural Affairs website, www.dlgrma.qld.gov.au, provides additional information and resources for local governments on a range of topics.

The Queensland Government is delivering a rolling reform agenda to strengthen the transparency, accountability and integrity measures that apply to the system of local government and elections in Queensland. For information on the reforms visit the [local government reforms](#) website.

Information on electoral requirements for local government is available on the Electoral Commission of Queensland website at www.ecq.qld.gov.au.

Current legislation can be found at the Queensland legislation website at www.legislation.qld.gov.au.



1. Local government legislation in Queensland

Local Government Act 2009

The *Local Government Act 2009* (LGA) received assent on 1 July 2010 and was significantly amended in 2012, 2018 and 2019.

The LGA is the principal legislation governing the establishment, constitution and operation of local governments in Queensland, with the exception of Brisbane City Council, which is governed by the *City of Brisbane Act 2010* (COBA). Section 5 of both the LGA and COBA set out the relationship between these Acts.

In general, the LGA does not apply to Brisbane City Council or its councillors, employees, agents and contractors. However, most of the provisions of the LGA are replicated in the COBA. For simplicity and ease of reading, in this document where the requirements of both Acts are identical, references to COBA will be omitted. Any significant differences between the provisions of the LGA and COBA will be identified where they arise.

Where the LGA provides for functions of the Minister for Local Government or the Department of Local Government, Racing and Multicultural Affairs these will be referenced in this document as the Minister or the department respectively.

The LGA is principle-based legislation, which allows local governments to focus on required outcomes and to decide on the appropriate way to achieve those outcomes in a way that suits their particular situation. There are clear consequences and penalties for failure to meet the responsibilities and obligations in the LGA. Anyone—mayor, councillor, chief executive officer (CEO) or a local government employee—performing a responsibility under the LGA must consider the application of the local government principles to the process and the outcomes.

The LGA is underpinned by five local government principles:

- transparent and effective processes, and decision-making in the public interest
- sustainable development and management of assets and infrastructure, and delivery of effective services
- democratic representation, social inclusion and meaningful community engagement
- good governance of, and by, local government
- ethical and legal behaviour of councillors and local government employees (section 4, LGA).

Local Government Regulation 2012

The LGA is supported by the *Local Government Regulation 2012* (LGR), which expands on the provisions contained in the LGA and provides local governments with further guidance on statutory requirements. The *City of Brisbane Regulation 2012* (CBR) relates in the same way to COBA for Brisbane City Council only.

Local Government Electoral Act 2011

The *Local Government Electoral Act 2011* (LGEA) received assent on 1 September 2011 and provides for the transparent conduct of elections of councillors for Queensland's local governments. The LGEA was significantly amended in 2018 and 2019.



Other legislation

While the LGA is the principal 'head of power' for the governance of local governments, they are also bound by the provisions of the following Acts:

- *Animal Management (Cats and Dogs) Act 2008*
- *Building Act 1975*
- *Crime and Corruption Act 2001*
- *Disaster Management Act 2003*
- *Environmental Protection Act 1994*
- *Food Act 2006*
- *Health Act 1937*
- *Information Privacy Act 2009*
- *Integrity Act 2009*
- *Land Act 1994*
- *Liquor Act 1992*
- *Planning Act 2016*
- *Plumbing and Drainage Act 2002*
- *Public Health Act 2005*
- *Public Health (Infection Control for Personal Appearances Services) Act 2003*
- *Public Sector Ethics Act 1994*
- *Queensland Reconstruction Act 2011*
- *Right to Information Act 2009*
- *Transport Infrastructure Act 1994*
- *Water Act 2000.*

Please note: This is an indicative and not an exhaustive list of Acts that apply to local governments.



2. Local government roles and responsibilities

2.1 Role of local government

Each state has its own system of local government, which is typically recognised in its state constitution. In Queensland, local governments are created, and possess only those powers that have been delegated to them by the Queensland Legislative Assembly through state legislation.

Section 70 of the *Constitution of Queensland 2001* states that there must be a 'system of local government in Queensland', while section 71 provides that 'a local government is an elected body that is charged with the good rule and government of a part of Queensland'. The part of Queensland governed by a local government is called the local government area. Local government is not recognised in the Australian Constitution.

Authority

The statutory 'head of power' for local government in Queensland is provided in the LGA and the supporting LGR.

A local government has the power to do anything that is necessary or convenient for the good rule and local government of its local government area (see section 9 LGA for all powers of a local government).

Local governments are established by the LGA as bodies corporate with perpetual succession, with each local government having a common seal and being able to sue or be sued in its name (section 11, LGA).

Local governments may exercise their powers by cooperating with one or more governments (local, state or Commonwealth) to conduct joint government activity. Under such activities, the jurisdiction of local government could go beyond the boundaries of a single local government area (section 10, LGA).

Local governments may also combine to form a joint local government, for example to conduct functions on a regional basis and enable a greater level of coordination to occur in providing services to the community (sections 25B to 25J, LGA).

Executive and administrative arms of local government

The LGA defines the responsibilities and powers of local governments, mayors, councillors, council CEOs and local government employees.

The LGA clearly distinguishes between the roles and responsibilities of the executive (the elected mayors and councillors) and administrative (the CEO and other local government employees) arms of local governments.

The executive arm

As the executive arm, the mayor and councillors make local laws and determine policy and other matters at a strategic level. They are responsible for determining and setting the overall direction of the local government. Ultimately, the elected councillors are directly responsible to the community for the local government's performance.



Administrative arm

The CEO manages the day-to-day operations of the local government in accordance with the plans and policies determined by the executive arm.

2.2 Role of councillors

The fundamental role of each councillor is to represent the current and future interests of the residents of their local government area. Councillors represent all of the community, not just those in a division (where the council is a divided council) or any group of residents.

Councillors are, individually and collectively, bound by:

- the purpose and principles of local government
- the statutory responsibilities of councillors
- any other obligations under the LGA.

All councillors, including the mayor, have the same responsibilities, but the mayor has some additional responsibilities (section 12, LGA). Refer to section 2.3 below for more details on the additional duties of a mayor. The responsibilities of councillors include:

- ensuring the local government discharges its responsibilities under the LGA, achieves its corporate plan and complies with all applicable laws
- providing high-quality leadership to the local government and the community
- participating in local government meetings, policy development and decision making for the benefit of the local government area
- being accountable to the community for the local government's performance.

Strategic direction and planning

Councillors are responsible for planning for the future of their communities and developing strategies and policies to achieve those plans. Councillors need to demonstrate strategic vision and leadership by putting in place principles, policies and local laws so the council can plan for and meet the future needs of its community and ensure sustainability over the long term.

Council decision-making

As elected representatives, councillors are required to attend local government meetings (unless granted leave not to attend). It is in meetings that councillors participate in discussion and debate on a wide variety of issues to make decisions representing the overall public interest of the local government area.

While an individual councillor's role and responsibilities are significant, it is important to note that local government decisions are taken by a majority vote of elected members (i.e. at local government and committee meetings).

The collective will and decision-making of the local government is paramount, and an individual councillor's views and responsibilities are secondary to the majority view of the local government. Even the mayor has a single vote at council meetings and, when presiding over the meeting as chairperson, only has a 'casting vote' when votes on a matter are equal or tied.

Refer to section 3 for more information on decision-making. For more information on council meetings refer to the publications *Making the Most of Council Meetings*, *Model Meeting Procedures* and *'Best Practice' standing orders for local government and standing committee meetings*, available on the department's website.



Delegation of powers

A wide range of local government powers may be delegated. The judicious use of delegations, with appropriate policy and accountability frameworks, contributes to good governance by allowing the council to focus on strategic rather than operational issues (section 257, LGA).

A local government may, by resolution, delegate a power to:

- the mayor
- the CEO
- a standing committee
- the chairperson of a standing committee
- another local government (for the purpose of a joint local government activity).

In such instances, the local government resolves to devolve the 'decision-making responsibility' by delegated authority. The local government, however, cannot delegate a power that the LGA states must be exercised by resolution (e.g. adoption of its corporate plan or annual budget).

A delegation to the CEO must be reviewed annually by the local government to ensure that the delegation remains consistent with the local government's policy direction and intent.

The CEO must establish a register of delegations that may be inspected by the public, and record all delegations by the local government, mayor or CEO in the register (section 260 and section 305, LGR).

Councillor requests for assistance or information

A councillor may ask a local government employee for advice to help the councillor carry out their responsibilities. A councillor may also, subject to any limits prescribed under a regulation, ask the CEO to provide information relating to the local government that it has access to.

A councillor may not request a document that:

- is a record of the Councillor Conduct Tribunal or is a record of a former conduct review body, if disclosure of the information or document would be contrary to an order of a court or tribunal, or
- would be privileged from production in a legal proceeding on the ground of legal professional privilege.

The CEO must comply with a request made by a councillor within 10 business days. If the CEO believes that is not practicable, they must advise of that belief and the reasons for the belief within 10 business days and then comply within 20 business days after receiving the request.

'Acceptable request guidelines' establish the rules about how a councillor asks for advice or information. Local governments must have acceptable request guidelines that are adopted by resolution of the local government.

It is important to note that a request has no effect if it does not comply with the local government's acceptable request guidelines, unless the request is made by a mayor, or the chairperson of a committee makes a request that relates to their role as a chairperson (section 170A, LGA). Requirements for Brisbane City Council councillor requests are slightly different (section 171, COBA).



2.3 Role of the mayor

In addition to the responsibilities of all councillors, the mayor has responsibilities of:

- leading and managing meetings as chairperson, including managing the conduct of participants at the meetings
- leading, managing and providing strategic direction to the CEO to achieve the high-quality administration of the local government
- directing the CEO in accordance with a resolution, or a document adopted by resolution, of the local government
- conducting a performance appraisal of the CEO at least annually, in the way decided by the local government
- ensuring the Minister promptly receives requested information from the local government
- being a member of each local government standing committee
- representing the local government at ceremonial or civic events.

A councillor who is not the mayor may perform the extra responsibilities of the mayor if the mayor delegates them to the councillor. While performing these responsibilities the councillor must serve the overall public interest of the whole local government area (section 12, LGA).

Note that the responsibilities of the Lord Mayor of Brisbane are different to those of other mayors (section 14, COBA).

2.4 Role of the chief executive officer

Each local government must appoint a person as its CEO who has the experience, knowledge and skills that the local government considers appropriate to undertake the role and its responsibilities. The CEO must have a contract of employment with the local government that requires them to meet performance standards and contains the conditions of employment, including remuneration.

The CEO is responsible for implementing the policies and decisions of the local government and managing the day-to-day business and operations. In addition to the responsibilities of all local government employees, the responsibilities of the CEO are:

- managing the local government in a way that promotes the effective, efficient and economical management of public resources, excellence in service delivery and continual improvement
- managing other local government employees
- establishing goals and practices in accordance with the policies and priorities of the local government
- establishing practices that ensure that members of the community have access to local government programs and reviewing of local government decisions
- the safe custody of records and documents
- complying with requests from councillors for advice to assist the councillors in carrying out their duties or for information relating to the local government (section 13, LGA).

The CEO may delegate powers to any appropriately qualified employee or contractor of the local government. However, there are some powers which the CEO cannot delegate: a power delegated by the local government, if the local government has directed the CEO not to further delegate the power, and the power to keep a register of interests (section 259, LGA).



The CEO also appoints and takes disciplinary action against other local government employees (sections 196 and 197, LGA), with different arrangements applying at Brisbane City Council (sections 192 to 194, COBA).

2.5 Role of all local government employees

The responsibilities of all local government employees are:

- implementing the policies and priorities of the local government in a way that promotes the effective, efficient and economical management of public resources, excellence in service delivery and continual improvement
- carrying out their duties to ensure the local government discharges its responsibilities under the LGA, complies with all applicable laws and achieves its corporate plan
- providing sound and impartial advice to the local government
- carrying out duties impartially and with integrity
- ensuring their conduct does not reflect adversely on the reputation of the local government
- improving all aspects of their work performance
- observing all laws in relation to employment
- observing the ethics principles and a code of conduct under the *Public Sector Ethics Act 1914* (section 13, LGA).

2.6 Councillor entitlements

Remuneration

The Local Government Remuneration Commission (LGRC) is established by the LGA with functions to:

- establish the categories of local governments
- decide the category to which each local government belongs
- decide the maximum amounts of remuneration payable to the mayors and the councillors in each of the categories
- undertake any other function related to the remuneration of councillors directed, in writing, by the Minister (section 177, LGA).

The LGRC has jurisdiction for local government remuneration matters for all Queensland local governments except Brisbane City Council, which established its own Councillor Remuneration Tribunal and remuneration policy. The LGRC reviews local government categories every four years to ensure the categories are relevant and up to date for each new local government term. It must complete its review before 1 December of the year before the year in which the next quadrennial election is to be held.

By 1 December each year the LGRC must publish a decision about the maximum amounts of remuneration payable to mayors, deputy mayors and councillors from 1 July the following year, for each category. Local governments cannot decide to pay more than the maximum set by the LGRC. However, a local government may decide, by resolution, to pay all its councillors a lesser amount. Local governments can also decide to pay councillors superannuation (sections 243 and 244, LGR).

Reimbursement of expenses and provision of facilities

Councillors are eligible for a range of entitlements and remuneration associated with their role. However, councillors can only claim expenses and facilities that are expressly provided for in



their council's expenses reimbursement policy. As soon as possible after adopting an expenses reimbursement policy by resolution, a local government must make the policy available to the public and publish the policy on the local government's website (sections 249 to 251, LGR).

Although each local government's policy will vary to some extent, examples of reasonable expenses incurred by councillors for discharging their duties and responsibilities may include travel, meal and accommodation allowances.

Claims for reimbursement in excess of actual expenses, or for expenses unrelated to the local government's business, are not acceptable and may constitute fraud.

Councillors have access to a range of resources to assist them in carrying out official duties. This may include assets (office equipment or vehicle), facilities (an office space), services or consumables. It is important to note that these resources are paid for or provided by the local government and should not be misused. In some instances, it is clearly evident that the resources are available for use by councillors (such as access to a photocopier). However, in other cases express permission may need to be sought or provided (such as using a local government's vehicle).

2.7 Local laws

Local laws are statutory instruments made by local governments to regulate a broad range of issues within their communities.

The LGA establishes a number of types of local law (section 26, LGA):

- Local law: developed independently by a local government and tailored to meet the specific needs of its community.
- Interim local law: effective for up to six months to enable local governments to quickly adopt a local law to address a particular issue. The policy intent is for interim local laws to be quickly in place where an issue might cause risk to health or safety, while community engagement is undertaken about the proposed local law. They must state an expiry date (usually six months).
- Subordinate local law: made under a head of power contained in a local law, to provide for the detailed implementation of the broader principles contained in the local law e.g. to inform operational policy, similar to a regulation for an Act of Parliament.
- Model local law: a local law approved by the Minister as suitable for adoption by local governments.

The LGA also limits the powers of local governments to make a local law that contains provisions:

- with penalties of more than 850 penalty units
- that purport to stop a local law being amended or repealed in the future
- about a prohibited subject (i.e. network connections, specific types and distribution or placement of election advertising or development processes)
- that are anti-competitive (unless the local government has complied with the prescribed procedure for review of the anti-competitive provision)
- that are inconsistent with state law.



Responsibility of local government

It is the responsibility of each local government to make their local laws, and to decide what process it will use to make them, provided the process and the laws are consistent with the provisions of the LGA (section 29, LGA).

Ministerial power

Although Ministerial approval is not part of the local law-making process, the Minister may suspend or revoke a particular local law if they reasonably believe the local law:

- is contrary to any other law
- is inconsistent with the local government principles, or
- does not satisfactorily deal with the overall state interest (section 29B, LGA).

Local law register

Each local government must keep a register of its local laws, which must be able to be inspected by the public at the local government's public office. In addition, the department must keep a database of all Queensland local governments' local laws and ensure that a copy is publicly accessible on the department's website (section 31, LGA).



3. Ethical behaviour and decision making

As discussed in parts 1 and 2, all councillors are responsible for complying with the local government principles and making decisions in the public interest. Two principles which specifically relate to councillors managing their interests are:

- transparent and effective processes in the public interest
- ethical and legal behaviour of councillors and local government employees.

3.1 Councillors' interest and the public interest

The fundamental role of councillors is to serve and represent the interests of all the residents within their local government area, rather than those of any particular section or interest group.

The LGA aims to ensure that councillors' personal interests are managed in an accountable and transparent way that meets community expectations.

Local government elected representatives may wish to seek confidential advice from the Queensland Integrity Commissioner (QIC) where an ethical matter arises in the course of carrying out their responsibilities. However, it must be noted that the QIC does not give legal advice and councillors are advised that the application of provisions of the LGA are legal questions. In the event of any uncertainty, councillors should seek independent legal advice where required.

3.2 Registers of interests

Councillors have a particular responsibility to ensure they maintain accurate registers of interests. Councillors must declare all financial and non-financial interests, including the interests of specified persons related to the councillor.

Each local government's CEO must keep a register of the interests of each councillor and their related persons, and senior executive employees and their related persons. The mayor must maintain the register of interests of the CEO and their related persons (sections 289 to 297, LGR).

For registers of interests, a person is a related person of a councillor, CEO or senior executive person (the primary party) if the person is:

- the spouse of the primary party, or
- a person who is totally or substantially dependent on the primary party and is:
 - the primary party's child, or
 - a person whose affairs are so closely connected with the affairs of the primary party that a benefit derived by that person, or a substantial part of it, could pass to the primary party.

Financial and non-financial particulars for registers of interests must include particulars of the following interests:

- shareholding or controlling interests in a corporation
- positions held as officer of a corporation
- beneficial interests in trust or nominee corporation
- self-managed superannuation funds
- positions held as trustee for a trust



- partnerships and joint ventures
- land interests
- liabilities over \$10,000 (other than department store and credit cards)
- debentures and similar investments
- saving and investment accounts
- gifts totaling over \$500
- sponsored hospitality benefits totaling \$2,000 or more during the relevant term
- memberships of political parties, bodies or associations, or trade or professional organisations
- other assets over \$5,000
- sources of income over \$500 per year
- other financial or non-financial interests that could raise or appear to raise a conflict of interest (schedule 5, LGR).

Updates to registers of interests

A councillor who has an interest in relation to themselves or their related person that must be recorded in a register of interests, or has a change to an interest that is recorded in a register, must complete the approved form and inform the CEO of the particulars of the interest or change to an interest within 30 days after the interest arises or changes. The approved register of interests forms are available in the resources (statutory forms) section of the Department's website at www.dlgrma.qld.gov.au.

Failure by a councillor to update a register of interests within the required timeframe can give rise to an offence with a maximum penalty of 100 penalty units (section 171B, LGA).

Access to and inspection of registers

Councillors' registers of interests are open to inspection by any member of the public. The local government must ensure that a copy of the register of interests of councillors can be inspected at the local government's public office and on its website.

Registers of the interests of councillors' related persons, the CEO and council senior executive employees and their related persons are open to inspection only by councillors, the CEO and a person permitted by law. Other persons may apply in writing for access to these registers (sections 293 to 295, LGR).

3.3 Material personal interests

A councillor is required to disclose personal interests which may influence their voting at council and committee meetings (see section 175A, LGA). This includes interests that may result in a benefit or suffer a loss to the councillor (directly or indirectly) or any related person including a spouse, a parent, child or sibling, a person in partnership with the councillor, an employer of the councillor, an entity of which the councillor is a member and any entity prescribed by regulation and (see section 175B, LGA).

Section 175C, LGA sets out what action a councillor dealing with a material personal interest (MPI) must take. If the matter being considered is an ordinary business matter of the council as defined in Schedule 4, LGA (dictionary) (e.g. the making or levying of rates and charges by the local government, or a resolution required for the adoption of a budget for the council), the councillors involved do not have a material personal interest and section 175C does not apply.



A MPI is defined in section 175C. It is important to note that an interest involving a loss must be identified just as much as an interest involving a benefit. However section 175B(2), LGA provides that a councillor does not have a material personal interest if the councillor's interest in a matter, or another person or entity mentioned in section 175B(1), LGA stands to gain a benefit or suffer a loss that is no greater than that of other persons in the local government area. This permits a councillor to continue to represent their community, especially in matters which affect a significant number of electors or ratepayers.

A similar exemption applies to Queensland Members of Parliament in relation to proceedings in the Parliament and to Ministers during Cabinet discussion of matters of general public policy or where the Minister has no greater interest than that of other classes of people in the community or within the Cabinet generally.¹

Each councillor will need to assess whether he or she has a MPI and, if so, how it compares to the interests of other persons in the local government area. As always, councillors must remain mindful of the importance of adhering to the local government principles as outlined in section 4(2), LGA.

Section 175B(3) acknowledges that a councillor may not be aware of all the interests of his or her immediate family (i.e. parents, children and siblings). It provides that subsection 1(c) applies to a councillor only if the councillor knows, or ought reasonably to know, that their parent, child or sibling stands to gain a benefit or suffer a loss related to the matter before council.

Disclosing a material personal interest

In the past, the management of a councillor's MPI has been problematic with local governments adopting a variety of procedures that have led to problems and confusion with the conflict of interest (COI) procedures. In order to clarify the required procedures under the LGA the following meeting procedure is to be followed.

In the event that a councillor has a MPI, or a perceived MPI in a matter to be discussed at a council meeting or a committee meeting, it is the responsibility of the councillor to disclose the situation as prescribed in section 175C(2) of the LGA. When dealing with a MPI councillors must abide by particular procedures.

A councillor must inform the meeting of the local government of their MPI and set out the nature of the interest, including:

- the name of the person or other entity who stands to gain a benefit, or suffer a loss depending on the outcome of the consideration of the matter at the meeting
- how a person or other entity stands to gain the benefit or suffer the loss
- if the person or other entity who stands to gain the benefit or suffer the loss is not the councillor, the nature of the councillor's relationship to the person or entity.

Following the making of an MPI declaration, the councillor must leave the place of the meeting including any public gallery or other area set aside for the public, and stay away while the matter is being discussed and voted on by the other councillors.

¹ Queensland Ministerial Code of Ethics



After a councillor with the MPI has left the place where the meeting is being held, the local government can then continue discussing and deciding on the matter at hand. The chairperson is responsible for ensuring that the minutes contain the councillor's declaration in addition to the following information:

- the name of the councillor who has an MPI in the matter
- the MPI including the particulars mentioned by the councillor regarding the MPI
- whether the councillor participated in the meeting or was present during the meeting under an approval granted by the Minister of Local Government.

When a councillor discloses the MPI it must be recorded in the meeting minutes and published on the local government's website as required by the LGA.

If the majority of councillors in a meeting declare that they have a MPI in a matter, the council must delegate deciding the matter unless it cannot be delegated. Councillors may remain in the meeting while the matter is being discussed and voted on, if their presence is for the purpose of delegating deciding of the matter, or they have Ministerial approval to remain and are complying with the conditions of that approval.

The Minister may give, by signed notice, an approval for a councillor subject to a MPI to participate in a meeting because of the number of councillors who are subject to the MPI, or the majority of councillors are subject to MPI, or deciding the matter cannot be delegated because an Act states the decision must be made by resolution. This is an unusual situation and would not occur on a regular basis.

Failure to disclose an MPI or leave the meeting is an offence carrying significant penalties. If a councillor votes on the matter with the intent to gain a benefit or avoid a loss for themselves or another person or entity, they are engaging in conduct that has a serious consequence. If a councillor votes inadvertently on a matter without the intent to gain a benefit or avoid a loss, then the conduct has lesser consequences, namely:

- if the offence was committed with an intent to benefit, or avoid a loss, for the councillor or someone else—the maximum penalty is 200 penalty units or two years imprisonment
- otherwise—the maximum penalty is 85 penalty units.

Failure to declare and deal with a MPI, and leave the meeting place, is corrupt conduct and is referred to the CCC to be dealt with. If convicted of an integrity offence a person is disqualified as a councillor for four years. A person is automatically suspended as a councillor when the person is charged with this offence.

A councillor must not influence or attempt to influence other councillors prior to the meeting, at premeeting briefings, or during the meeting, to vote on a matter in a particular way if they have a MPI. They must not influence or attempt to influence a council employee or a contractor of the council who is authorised to decide or deal with the matter, to do so in a particular way. Any attempt to do this is corrupt conduct and is referred to the CCC to be dealt with. If charged it attracts a maximum of 200 penalty units or two years in prison and disqualification from being a councillor for four years as prescribed in section 175I of the LGA. A person is automatically suspended as a councillor when the person is charged with this offence.

Any councillor at a meeting who believes or suspects on reasonable grounds that another councillor at the meeting has not informed the meeting of their personal interest, must report to the chairperson their belief that an MPI exists as prescribed in section 175G, LGA.



A councillor who takes any retaliatory action against another councillor for complying with their obligation to report another councillor's MPI at a meeting may be guilty of an offence which carries a maximum penalty of 167 penalty units or two years imprisonment and disqualification from being a councillor for four years as prescribed in section 175H, LGA. A person is automatically suspended as a councillor when the person is charged with this offence.

3.4 Conflicts of interest

A COI is a conflict between a councillor's personal interests and the public interest that might lead to a decision in a council meeting that is contrary to the public interest. Section 175E of the LGA provides that the councillor can have a real COI or a perceived COI and that it must be declared at the council or committee meeting.

A councillor does not have a COI merely because of:

- an engagement with a community group, sporting club, or similar organisation as a councillor
- membership of a political party
- membership of a community group, sporting club, or similar organisation if the councillor is not an office bearer
- the councillor's religious beliefs
- the councillor being a past student of a school or involved with a school as a parent
- the councillor having no greater personal interest in the matter than that of other persons in the local government area
- having been nominated by the local government to represent the council on a board of a corporation or other association merely because of the nomination or appointment as a member
- a matter to be discussed at the council meeting or committee meeting is an 'ordinary business matter' such as setting rates and charges or adopting the budget, as prescribed in section 175E, LGA.

A councillor has a COI if:

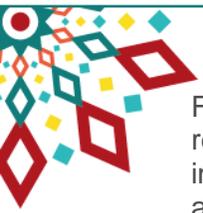
- a matter is to be discussed at a council or committee meeting, and
- the matter is not an 'ordinary business matter', and
- there is a real or perceived COI.

Declaring a conflict of interest

A councillor with a real or perceived COI must deal with the conflict in a transparent and accountable way and must inform the council of his or her personal interest.

The councillor must inform the meeting about the COI and provide the following particulars:

- the nature of the interest
- if the COI arises because of a relationship or receipt of a gift required to be recorded in a register of interests, from another person, then:
 - the name of the person
 - the nature of the relationship
 - the value and date of the receipt of gift
 - the nature of the other person's interest in the matter.



Failure by the councillor to declare the COI and the above details is corrupt conduct that is referred to the CCC to be dealt with and if charged attracts 100 penalty units or a one-year imprisonment and disqualification from being a councillor for four years. A person is automatically suspended as a councillor when the person is charged with this offence.

A councillor must not influence or attempt to influence other councillors prior to the meeting, at premeeting briefings or during the meeting to vote on a matter in a particular way if they have an COI. They must not influence or attempt to influence a council employee or a contractor of the council who is authorized to decide or deal with the matter, to do so in a particular way. Any attempt to do this is corrupt conduct and is referred to the CCC to be dealt with. If charged it attracts a maximum of 200 penalty units or two years in prison and disqualification from being a councillor for four years. A person is automatically suspended as a councillor when the person is charged with this offence

Should a councillor consider they have a perceived conflict of interest in a matter before council but they, or people close to them, derive no personal benefit from the matter, and they are able to deal with the matter in the public interest, the councillor must inform the meeting of this personal interest.

If the other councillors who are entitled to vote on a matter, are informed by the councillor, or someone else, about the COI, and the councillor has not informed the meeting and voluntarily left the meeting and stayed away during the discussion and vote, then the other councillors must decide, whether the councillor has a real or perceived COI in the matter. If they decide that the councillor has a real COI or perceived COI, then they must decide whether the councillor must leave the meeting, or may stay and participate, including voting on the matter. They must make their decision by resolution.

The councillor with the COI must comply with the decision of the other councillors to leave the meeting and stay away from the place including any public gallery area. Failure to comply is corrupt conduct and is referred to the CCC to deal with. If charged the offence attracts 100 penalty units or one year in prison and disqualification from being a councillor for four years. A person is automatically suspended as a councillor when the person is charged with this offence

If the majority of councillors have a COI in a matter at a meeting they must inform the meeting about the COI. The local government must delegate deciding of the matter in this instance unless deciding the matter cannot be delegated under the LGA because an Act says that the matter must be determined by resolution. Councillors may remain in the meeting while the matter is being discussed and voted on for the purpose of delegating the deciding of the matter, or they must have Ministerial approval to remain and are complying with the conditions of that approval.

The Minister may, by signed notice, approve the councillor participating with a COI, subject to conditions stated in the notice (section 175F, LGA) if the matter could not otherwise be decided at the meeting because of:

- the number of councillors subject to the obligation to leave the meeting and stay away, or
- the majority of councillors inform the meeting of a personal interest in a matter (see section 175E(6)(b), LGA) and are subject to the obligation to leave the meeting and stay away, and
- the matter cannot be delegated because an Act states that it must be exercised by resolution (see section 257, LGA).



Managing a conflict of interest

Councillors who have a real or perceived COI in a matter must manage the conflict in the public interest and in a way that maintains the integrity of council decision making.

Having declared the COI at a council meeting and provided the details of the COI to the meeting a councillor must decide the most appropriate action to take, bearing in mind the level and type of interest they have in the matter and their capacity for placing the public interest ahead of their own.

Failure to declare or appropriately deal with a conflict of interest in a transparent and accountable way is corrupt conduct and will be referred to the CCC to be dealt with. If convicted the offence carries a maximum penalty of 100 penalty units or a one-year imprisonment and disqualification from being a councillor for four years. A person is automatically suspended as a councillor when the person is charged with this offence.

All councillors are bound by the local government principles. Not disclosing another councillor's known COI could breach these principles, in particular the need for ethical and legal behaviour.

If a matter is to be discussed at a meeting, and it is not an 'ordinary business matter', and a councillor at the meeting reasonably believes or suspects that another councillor has a MPI, a COI or a perceived MPI or COI, and the other councillor has not informed the meeting about the personal interest, the councillor who believes one exists must raise the issue with the chairperson at the meeting as soon as practicable. The councillor must state the suspicion, or belief, and the facts and circumstances that form the basis of this. Failure to raise the matter when a councillor knows or suspects that another councillor has a MPI or COI is misconduct and could result in disciplinary action being taken against the councillor.

A person must not take retaliatory action because a councillor who complied with raising the personal interest of another councillor, with the chairperson of a meeting. The person must not:

- prejudice, or threaten to prejudice the safety or career of the councillor or another person
- intimidate or harass the councillor or another person
- threaten to intimidate or harass the councillor or another person
- take any action that is likely to be detrimental to the councillor or another person.

Retaliatory action is corrupt conduct and is referred to the CCC. If charged the offence attracts a maximum penalty of 167 penalty units or two years in prison and disqualification from being a councillor for four years.

3.5 Use of information acquired by councillors

Councillors are in a position of trust and are likely to have significant access to confidential information in circumstances that may not be limited to local government and committee meetings. Councillors must comply with the legislation and any policy of the local government to ensure that throughout the organisation there is a common understanding of the risks associated with confidential information being mishandled and how best to manage those risks.

The LGA requires that a person who is or has been a councillor must not make use of information acquired as a councillor to:

- gain, directly or indirectly, a financial advantage for the person or someone else
- cause detriment to the local government.



This requirement does not apply if the information is lawfully available to the public. Contravention of this provision is an integrity offence with a maximum penalty of 100 penalty units or two years' imprisonment.

A councillor must not release information that they know, or should reasonably know, is information that is confidential to the local government². Contravention of this provision is misconduct that could be referred to the Office of the Independent Assessor (OIA), and which may refer the matter to the Councillor Conduct Tribunal for a hearing, determination and imposing penalties (section 171, LGA).

Councillors also have access to 'inside information' that is not generally available to the public. Inside information in relation to a local government means information about:

- the operations or finances of the local government or any of its corporate entities
- a proposed policy of the local government including changes to existing policy
- a contract entered, or proposed to be entered, into by the local government or any of its corporate entities
- a tender process being conducted by/for the local government or any of its corporate entities
- a decision or proposed decision of the local government or any of its committees
- the exercise of a power by the local government, a councillor or employee
- the exercise of a power, under an Act, by the state, a Minister, a statutory body or an employee of the state or statutory body, that affects the local government, its corporate entities, land or infrastructure within the local government's area
- any legal or financial advice created for the local government, any of its committees or corporate entities.

A person who is or has been a councillor who acquired inside information as a councillor, and knows, or ought reasonably to know, that the inside information is not generally available to the public, must not:

- cause the purchase or sale of an asset if the knowledge of the inside information would be likely to influence a reasonable person in deciding whether or not to buy or sell an asset
- cause the inside information to be provided to another person the insider knows, or ought reasonably to know, may use the information in deciding whether or not to buy or sell an asset.

A councillor whose conduct breaches the requirements on inside information may be guilty of an integrity offence with a maximum penalty of 1,000 penalty units or two years' imprisonment (section 171A, LGA). If charged with an integrity offence, the councillor is automatically suspended, and if convicted the councillor is automatically disqualified from being a councillor for four years.

Right to information

The *Right to Information Act 2009* (RTIA) applies to local governments and permits members of the public to make application under the RTIA for access to documents that are not open to inspection under the provisions of the regulation. Each local government should have established practices for dealing with right to information applications. For further information, visit the Right to Information website at www.rti.qld.gov.au.

² To clarify this requirement, it is good practice for a council to adopt a policy that defines the information that must be treated as confidential.



Information privacy

The *Information Privacy Act 2009* (IPA) recognises the importance of protecting the personal information of individuals. The IPA took effect on 1 July 2009, and Queensland local governments have been subject to information privacy laws since 1 July 2010. The IPA concerns personal information only.



4. Councillor conduct and complaints management system

The LGA provides processes for dealing with any conduct of a councillor that contravenes the principles and obligations prescribed by the legislation. These provisions are to ensure that appropriate standards of conduct and performance are maintained and that a councillor who fails to meet their obligations is brought before the relevant jurisdictions.

The councillor conduct and complaints system provided by the LGA and described in this section currently does not apply to Brisbane City Council.

4.1 Uniform code of conduct

The LGA provides that the Minister must make a code of conduct that sets out the standards of behaviour for councillors in performing their official functions as elected representatives consistent with the LGA principles (section 150D, LGA).

The code of conduct sets out the principles and standards of behaviour expected of councillors and mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out in the code of conduct, councillors will increase public confidence in local government and council decisions.

In addition, the code of conduct may contain anything the Minister determines necessary for, or incidental to, the standards of behaviour. The code of conduct takes effect by being approved by regulation and must be published on the department's website (section 150E, LGA).

The three Rs of the code of conduct

The code of conduct standards of behaviour are summarised in 'the three Rs', being *responsibility*, *respect* and *reputation*. Each standard of behaviour includes several examples to guide councillors in complying with the code of conduct. The standards of behaviour are aimed at helping councillors to understand how the principles and values are put into practice.



Before assuming public office, councillors are required to make a declaration of office under the legislation, including that they will comply with and abide by the code of conduct (sections 169 and 254, LGR). Failure by a councillor to comply with the standards of behaviour in the code of conduct may give rise to a complaint against a councillor's conduct and subsequent disciplinary action under the LGA.



4.2 Model meeting procedures

The LGA requires the department's chief executive to make model procedures for the conduct of meetings of a local government and its committees. The department must publish these model meeting procedures (MMP) on its website (section 150F, LGA).

The MMP sets out procedures to ensure the local government principles are reflected in the conduct of local government meetings and committee meetings. These procedures do not deal with all aspects of meeting conduct, only those required to strengthen public confidence in the conduct of councillors in meetings and conduct of the meetings themselves.

A local government must either:

- adopt the MMP, or
- prepare and adopt other procedures that are consistent with the MMP for the conduct of its meetings.

If a local government does not adopt compliant meeting procedures, it is taken to have adopted the MMP and must thereby abide by the MMP when conducting its meetings (section 150G, LGA).

4.3 Councillor conduct

The behavioural expectations placed on councillors are complemented by a system that addresses complaints according to the seriousness of the alleged conduct. Councils are responsible for managing low-level matters (unsuitable meeting conduct and inappropriate conduct referred to the local government by the OIA) and for putting systems in place to educate and support councillors that will prevent poor conduct.

More serious matters that are misconduct are dealt with by the Office of the Independent Assessor (OIA) or the Councillor Conduct Tribunal (CCT). Corrupt conduct (statutory offences) may be dealt with by the OIA as misconduct unless circumstances of offending or previous disciplinary history suggest it should be dealt with as a criminal offence by the Crime and Corruption Commission (CCC) under the *Crime and Corruption Act 2001* (CCA).

Categorisation of councillor conduct

The LGA provides definitions for unsuitable meeting conduct, inappropriate conduct, misconduct and how to deal with instances of corrupt conduct.

Unsuitable meeting conduct

The behaviour of all councillors in local government meetings should meet the behavioural standards outlined in the Code of Conduct for Councillors in Queensland. If a councillor engages in conduct that contravenes a behavioural standard during a local government meeting, that is unsuitable meeting conduct. Unsuitable meeting conduct is dealt with immediately by the chairperson of the meeting (sections 150H and 150I, LGA).

Chairpersons of meetings are carrying out a statutory responsibility under the LGA to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct (see below).



Inappropriate conduct

The conduct of a councillor is inappropriate conduct if the conduct is not unsuitable meeting conduct, misconduct or corrupt conduct and contravenes:

- a behavioural standard in the COC
- a policy, procedure or resolution of the local government, or
- the order of a chairperson of a local government meeting for a councillor to leave and stay away from the meeting place.

Inappropriate conduct is also a course of conduct at local government meetings leading to orders for the councillor's unsuitable meeting conduct being made on three occasions within a period of one year, in which case the conduct leading to the orders, taken together, is the inappropriate conduct (section 150K, LGA).

Misconduct

The conduct of a councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the councillor's functions, or the exercise of a councillor's powers
- is or involves either knowingly or recklessly a breach of trust placed in the councillor, or a misuse of information or material acquired in, or in connection with, the performance of the councillor's functions, whether the misuse is for the benefit of the councillor or for the benefit, or to the detriment, of another person
- contravenes an order of the local government or the CCT, the acceptable request guidelines of the local government or a policy of the local government about the reimbursement of expenses
- contravenes the following provisions of the LGA (as mentioned above):
 - a local government official must notify the IA about particular councillor conduct by giving a notice (section 150R(2), LGA)
 - a councillor must report their belief or suspicion about another councillor's COI to the chairperson immediately if in a meeting, or the CEO as soon as practicable if not in a meeting (section 150EW(2), LGA)
 - no councillor or the mayor may give a direction to a local government employee (section 170 (3), LGA)
 - a councillor must not release information that the councillor knows or should reasonably know, is confidential to the local government (section 171(3), LGA).

In addition, the conduct of a councillor is misconduct if the conduct:

- is part of a course of conduct leading to the local government deciding to take action to discipline the councillor for inappropriate conduct on three occasions within a period of one year, in which case the inappropriate conduct that led to the three occasions of disciplinary action, taken together, is misconduct, or
- is of the same type of conduct stated in an order of the local government that if the councillor engages in the same type of conduct again, it will be dealt with as misconduct (section 150L, LGA).

Corrupt Conduct

Corrupt conduct by a councillor is conduct defined in section 15 of the *Crime and Corruption Act 2001* (CCA) that occurs while the councillor is performing their role and responsibilities as an elected representative.



For a councillor, corrupt conduct is conduct that:

- adversely affects or could adversely affect the performance of the councillor's responsibilities, and
- involves the performance of the councillor's responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the councillor either knowingly or recklessly, or
 - involves the misuse of information acquired by the councillor in connection with their councillor responsibilities, **and**
- if proven would be a criminal offence.

For more information about the definition of 'corrupt conduct', please see the relevant CCC fact sheet at www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Changes-to-the-CC-Act-2001-section-15-Factsheet-2019.pdf.

4.4 Complaints about councillor conduct

Independent Assessor

The functions of the IA are to:

- investigate and deal with the conduct of councillors where it is alleged or suspected to be inappropriate conduct, misconduct or, when referred to the assessor by the CCC, corrupt conduct
- provide advice, training and information about dealing with alleged or suspected inappropriate conduct, misconduct or corrupt conduct
- prosecute contravention of statutory offences under the LGA in the Magistrates Court
- investigate other matters decided by the Minister and do any other functions directed, in writing, by the Minister
- undertake other functions given to the IA under the LGA (section 150CU, LGA).

A complaint about the conduct of a councillor may be made to the Independent Assessor (IA) for impartial assessment and investigation of the complaint. Complaints may be made to other entities, such as the council CEO, and will be referred to the IA for assessment and investigation as appropriate (section 150O, LGA). Further information about making complaints about the conduct of councillors and the work of the IA is available on the website of the OIA at www.oia.qld.gov.au.

Frivolous or improper complaints

A person who has made a complaint that the IA determines is a frivolous complaint must not make the same or substantially the same complaint again (section 150AU, LGA).

In addition, a person must not make a vexatious complaint, or a complaint not made in good faith. In relation to these types of complaints, a person cannot attempt to make the same complaint again using a third party, including by making the complaint to another entity such as the council, mayor, councillor or CEO that is required to refer the complaint to the IA (section 150AV, LGA).

Making a frivolous or improper complaint is an offence with a maximum penalty of 85 penalty units.



Protection for complainants

The LGA provides protection for complainants against reprisal when making complaints about councillor conduct offences. A councillor must not take detrimental action against a protected person (including another councillor or local government employee) in reprisal for a complaint or notification about the councillor's conduct (section 150AW, LGA).

A councillor takes detrimental action if they threaten to or attempt to take the action because a protected person has made a complaint or is intending to make a complaint. This also includes if the councillor incites, permits or conspires with another person to take or threaten to take action.

In determining whether a councillor takes detrimental action in reprisal, it does not matter whether the complaint or potential complaint is the main or only reason for taking the action, as long as it is a substantial reason.

Reprisal action is corrupt conduct and is dealt with by the CCC unless it is referred back to the OIA to deal with including for prosecution in the Magistrates Court. The maximum penalty for the offence is 167 penalty units or two years' imprisonment. In addition, the reprisal offence is an integrity offence (section 153, LGA). If charged with an integrity offence, the councillor is automatically suspended, and if convicted the councillor is automatically disqualified from being a councillor for four years.

Records about complaints – councillor conduct register

A local government must keep, publish on its website and make available to the public a councillor conduct register that records:

- orders made about unsuitable meeting conduct by the chairperson of the local government meeting
- decisions about suspected inappropriate conduct referred to the local government and any action taken to discipline the councillor
- decisions made by the CCT about whether councillors engaged in misconduct and any action taken to discipline the councillor
- complaints dismissed by the IA, or decisions by the IA to take no further action about complaints after conducting an investigation (section 150DX, LGA).

The councillor conduct register will provide a record of the complaints and the outcomes for the mayor's information, the public's information and annual reporting.

4.5 Integrity offences and penalties

Several offences under the LGA related to councillor conduct and complaints have serious penalties.

Serious integrity offences have a seven-year disqualification from holding office as a local government councillor, commencing from the date of conviction. The specified offences in Schedule 1, Part 1 of the LGA are found in the *Criminal Code Act 1899*, *Crime and Corruption Act 2001*, *Criminal Proceeds Confiscation Act 2002*, *Electoral Act 1992*, and *Local Government Electoral Act 2011*.



Integrity offences are listed in Schedule 1, Part 2 of the LGA and described in this guide, including offences related to:

- reprisal against a protected person who makes a complaint about a councillor
- obligations of a councillor with a COI
- retaliatory action against a councillor who raises a suspected COI of another councillor
- councillor with a COI influencing others participating in a decision
- use of information by a councillor to gain a financial advantage or cause detriment to the local government
- prohibited conduct by a councillor in possession of inside information
- providing false or misleading information.

A councillor charged with an integrity offence is immediately suspended from office, and if convicted they are disqualified from holding office as a councillor for four years from the date of conviction.

There are further integrity offences relating to local government in the LGEA and the EA and the *Criminal Code Act 1899*. Further information about these offences is available on the Electoral Commission of Queensland's website at www.ecq.qld.gov.au.

A councillor must not act as a councillor while suspended. If the councillor is a deputy mayor or mayor, the councillor is also suspended from these roles. The councillor is entitled to be paid remuneration as a councillor at their base rate (which does not include any amount payable for performing particular responsibilities, including attending a meeting).

Suspension of a councillor does not affect the councillor's obligations in the LGA, including obligations before acting in office, giving direction to staff, requests for information, use of information, possession of inside information and register of interests updating requirements (section 175N, LGA).



Department of Local Government, Racing and Multicultural Affairs
PO Box 15009
City East Qld 4002
tel 13 QGOV (13 74 68)

www.dlgrma.qld.gov.au