QUEENSLAND OMBUDSMAN
Standing for fairness

Media release

24 October 2017

Ombudsman releases report on Cairns Regional Council councillor conflicts of interest

Queensland Ombudsman Phil Clarke today released an investigative report finding the Cairns Regional Council and its councillors have not in all respects complied with relevant legislative requirements in relation to conflicts of interests.

While the whole council was in focus, the investigation particularly considered how the majority Unity Team councillors dealt with conflicts of interest, including disclosures relating to electoral donations made to the Unity Team.

The investigation found that:

- the current practice of Unity Team councillors declaring conflicts of interest as a group does not comply with the *Local Government Act 2009* (the Act)
- the practice of all Unity Team members using s.173(7) of the Act to stay in a meeting to maintain a quorum, in circumstances where it is not necessary for all members to stay to maintain a quorum, does not comply with the Act
- it is not always possible to determine from the minutes of a meeting how a councillor who has declared a conflict of interest voted and, in this respect, council does not always comply with the Act
- a number of councillors did not comply with the Act in that their Register of Interests did not contain all gifts that are required to be included.

The report made recommendations to the council and the Department of Infrastructure, Local Government and Planning (the department).

Mr Clarke made recommendations to council to change its practices to comply with the Act. He also recommended that the department advise the government on necessary amendments to the Act to clearly set out what is required to be disclosed by councillors in relation to conflicts of interest, including the amount and timing of electoral donations.

In response to the recommendations, Mr Clarke noted the council has already taken some steps to improve its practices.

In relation to broader practices in local government, Mr Clarke said “Transparency in local government decision making is served by ensuring that councillor conflicts of interest are disclosed and that information is readily available in the public arena to allow the public to properly judge whether the conflict of interest has been appropriately dealt with.”

In this respect, the department has advised of steps being taken in the Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017, currently

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before the Legislative Assembly, to improve transparency and accountability in relation to councillor conflicts of interest.

About the Ombudsman

The Queensland Ombudsman is an independent officer of the Parliament.

The Ombudsman ensures public agencies make fair and balanced decisions for Queenslanders by investigating complaints and conducting own-initiative investigations that tackle broader, systemic concerns.

The Ombudsman can investigate complaints about state government departments, local councils and publicly-funded universities.

The Ombudsman can make recommendations to rectify unfair or unjust decisions and improve administrative practice.

The report

The Cairns Regional Council councillor conflicts of interest report: An investigation into the way in which councillors at Cairns Regional Council deal with conflicts of interest was published under the authority of the Speaker and is available at https://www.ombudsman.qld.gov.au/improve-public-administration/reports-and-case-studies/investigative-reports/the-cairns-regional-council-councillor-conflicts-of-interest-report

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