

Councillor Aid – Duty to Report

Under section 175G of the *Local Government Act 2009* (Qld) (LGA) you have an obligation to raise concerns about other councillor's conflicts of interest or material personal interests at Council meetings.

If you believe or suspect that another councillor may have a material personal interest in a matter, or a personal interest that might give rise to a conflict of interest, you have a duty to bring your concerns to the attention of the person who is presiding over the meeting as soon as practicable.

As well as raising your concerns, you need to provide the facts and circumstances that support your beliefs or suspicions.

You don't have to prove that the other councillor has a conflict of interest or a material personal interest. You simply need to explain why you have concerns so that Council can consider the facts.

The following questions might be useful reference points for reflection about your concerns and whether to raise them.

- Is there a matter before Council?
- Is the matter an Ordinary Business Matter?
- Do you believe or suspect that another councillor has a personal interest that may be associated with that matter - such as financial, personal association or other identifiable interest?
- What type of interest is it?
- How significant is the interest?
- Is it captured by the exceptions in section 175(D)(2) of the LGA?
- If the personal interest is a personal association — do you believe, or suspect that the closeness of the connection, its duration, nature or the strength of the relationship or association might cause the councillor to be unable to bring an open mind to the matter?
- Do you believe, or suspect that there is a realistic possibility that the outcome of the decision might affect the value of the councillor's financial interest in a way that is unique or limited to a small class of persons?
- Do you believe, or suspect that there is a realistic possibility that the outcome of the decision might either benefit or cause a detriment to the councillor or a related party in a way that is quantifiable?
- Do you believe, or suspect that the councillor might influence the decision in a way that could benefit them or someone they have an association with?
- Are there other factors relevant to the local government area?

If you are uncertain, err on the side of caution and raise your concerns.

A failure to do so could result in disciplinary action being taken against you.