

LEGISLATIVE COUNCIL

LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008

(Amendment to be proposed in Committee by the Honourable JUSTIN MADDEN)

Clause 21, page 53, lines 14 to 28, omit section 78D and insert—

78D Indirect interest as a consequence of becoming an interested party

- (1) A person has an indirect interest in a matter if the person has become an interested party in the matter by—
 - (a) initiating a proceeding in VCAT in relation to the matter or becoming a party to a proceeding in VCAT in relation to the matter; or
 - (b) initiating any other civil proceedings in relation to the matter or becoming a party to any other civil proceedings in relation to the matter; or
 - (c) making an objection under section 57 of the **Planning and Environment Act 1987** in relation to the matter.
- (2) A person does not have an indirect interest in a matter under subsection (1) if the person initiated the proceeding, became a party to the proceeding or lodged the objection before the commencement of section 21 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**.

78E Disclosure of previous appeal, objection or submission

- (1) This section applies to a person who has exercised a right under any Act or regulation to—
 - (a) lodge an appeal in relation to a matter; or
 - (b) make an objection or submission in relation to a matter.
- (2) Subject to subsection (6), a Councillor or member of a special committee to whom this section applies, must disclose the circumstances and nature of that appeal, objection or submission in relation to the matter immediately before the matter is considered in a meeting of the Council or special committee.

Penalty: 50 penalty units.
- (3) Subject to subsection (6), if the Councillor or member of a special committee considers that he or she is unable to consider or vote in relation to the matter fairly and with an open mind, he or she must—
 - (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and

- (b) remain outside the room and any gallery or other area in view or hearing of the room.
- (4) The Mayor or the Chairperson of the special committee must cause the Councillor or member of a special committee to be notified that he or she may return to the room after—
 - (a) consideration of the matter; and
 - (b) all votes on the matter.
- (5) The Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
 - (a) details of any disclosure made under subsection (3); and
 - (b) the name of the Councillor or member of a special committee who left the room after making the disclosure.
- (6) A Councillor or member of a special committee is not required to comply with this section if he or she has a conflict of interest in the matter and has complied with the requirements of section 79 as to disclosure of the conflict of interest."!