




Speech By
Dr Christian Rowan

MEMBER FOR MOGGILL

Record of Proceedings, 15 May 2018

**LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER
LEGISLATION AMENDMENT BILL; LOCAL GOVERNMENT ELECTORAL
(IMPLEMENTING STAGE 1 OF BELCARRA) AND OTHER LEGISLATION
AMENDMENT BILL**

 **Dr ROWAN** (Moggill—LNP) (6.41 pm): I rise to address the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 and the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018. With respect to the councillor complaints bill, it is clear that an overhaul of the existing legislative policy framework applicable to councillor complaints is required. Recent councillor complaints experienced by local governments across Queensland, whilst few in number, have contributed to a loss of trust and have eroded community confidence. It is disappointing that incidents involving certain councillors have had a broader effect across-the-board.

The legislation before us provides transitional arrangements for the commencement of a new councillor complaints system. It is incredibly important for the state Labor government to work in close cooperation with local councils and the Local Government Association of Queensland to ensure the successful rollout and implementation of the new framework.

The bill's primary objective is to implement the Labor government's response to the independent Councillor Complaints Review Panel report *Councillor complaints review: a fair, effective and efficient framework*. The changes proposed will provide for a more streamlined system for making, investigating and determining complaints about councillor conduct in Queensland. The bill establishes the position of Independent Assessor and the Office of the Independent Assessor to investigate all complaints and information about councillor conduct and provides sufficient powers to undertake investigations. The bill also strengthens offence provisions to support the new councillor complaints system such as providing protection from reprisal for local government employees who make complaints against councillors and provides for the minister to make a uniform code of conduct to set appropriate standards of behaviour for councillors.

The functions of the current Local Government Remuneration and Discipline Tribunal and the regional conduct review panels will be reallocated by the establishment of the new Councillor Conduct Tribunal to hear and determine complaints of councillor misconduct. A new Local Government Remuneration Commission will be established to decide the maximum remuneration payable to councillors. The bill allows for certain review rights for decisions about councillor conduct including review rights to the Queensland Civil and Administrative Tribunal for decisions of the Councillor Conduct Tribunal about misconduct and judicial review of an administrative decision of a local government.

The amendments contained in the bill will make addressing councillor complaints less challenging and will assist in dealing with the concerns over the potentially conflicted role of chief executive officers in assessing complaints against their councillors, who ultimately are one of their employers.

This bill stems from the work of the independent Councillor Complaints Review Panel's report, and this should be acknowledged as a guiding light for the reforms being introduced. Whilst the LNP supports the proposed amendments, it is important to recognise that in all probability the new arrangements will require further refinement following their introduction. Therefore, the Liberal National Party and I, as a member of the opposition, will seek to monitor progress to gauge the effectiveness of these changes.

I acknowledge that both the Local Government Association of Queensland and the Brisbane City Council have been consulted and support the policy objectives of the bill. Amendments have not been proposed to the City of Brisbane Act 2010 as the Brisbane City Council currently operates its own conduct process in line with the act. The Liberal National Party will, however, support a review of the new framework for dealing with councillor conduct within six months of its commencement to determine whether the Brisbane City Council would benefit from adopting the new system.

The Labor Party has a history of changing the industrial relations laws for all of Queensland's local governments without consultation, costing ratepayers tens of millions of dollars more. Labor's forced amalgamations caused major disruption across the state and in some localities a level of resentment exists to this day. A decade ago Labor took \$1 billion from the grants and subsidies funding for local governments which was critical to water and sewerage funding, leaving ratepayers to make up the shortfall. Conversely, in 2012 the LNP introduced the Royalties for Regions program, designed to boost jobs and help regional communities meet critical infrastructure needs. This program, with the combined value of more than \$790 million over the 2012 to 2015 period, was targeted at helping communities to better manage the impacts that resources sector development was having on local government infrastructure and services.

The LNP has a sound record of working in partnership with councils and the Local Government Association of Queensland and has continued with a regular program of engagement with them to ensure their concerns are fully understood and that LNP policies reflect the needs of councils across the state. The LNP will continue to work closely with the LGAQ and liaise with councils to encourage the smooth adoption of the new councillor complaints system and to monitor progress on how well it is meeting the stated objectives of the new legislative framework.

I would like to acknowledge the important and significant role of our councillors and mayors across Queensland who work for the betterment of their communities. I am very fortunate in Moggill to have a close working relationship with a number of local councillors. I know that local governments share many of the same goals as the LNP—to create jobs, to provide safe and livable communities and to build the infrastructure that Queensland needs.

Overall, councils are respected by their local communities, and any conduct by councillors that diminishes that trust must be addressed to the fullest extent possible in order to maintain the reputation and confidence that has been built over many years. To this end, both I and the Liberal National Party look forward to working closely with councils on the proposed reforms to ensure transparency and accountability remain the foundation upon which public confidence is maintained, enhanced and strengthened.

I now want to address the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018. The Crime and Corruption Commission Belcarra recommendations for local government electoral reform are extremely important. Will the Premier accept the advice from the independent CCC chair and undertake an inquiry into state political donations before introducing bans at the state level, or will the Premier instead acquiesce to her union bosses? As the member for Surfers Paradise so eloquently put earlier, what the Labor Party is attempting to do is stack the deck electorally in its favour. The Premier promised such an inquiry in 2015, yet here we are in May 2018 still waiting for that outcome.

The Palaszczuk Labor government, by ignoring the CCC, shows that this bill as it applies to the state is purely politically motivated. Time and time again we see the influence of the unions on the Labor government. Back-channel email communications, policy demands and board recommendations: if this is not a case to ban union donations to political parties then I do not know what is.

The inquiry process for this bill can only be described as a farce, with the Electoral Commission Queensland not answering questions publicly. On 12 October 2017 the Premier introduced the Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017. This legislation was introduced, as we all know, before the November 2017 state election. The Premier advised that its provisions would be backdated to the date of the bill's introduction. As a result of the dissolution of the 55th Parliament, the bill lapsed. On 6 March 2018 the Minister for Local Government introduced the legislation that is before us today. This bill is substantially the same as the bill previously introduced.

The Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018 seeks to do the following: prohibit donations from property developers for both local government and state elections and allow councillors to vote on whether another councillor's conflict of interest or material personal interest should preclude them from participating in council discussions and votes on the matter. Penalties are severe, with unlawful acts and omissions attracting fines of up to \$50,000 or two years imprisonment and with knowing acts to circumvent the law attracting fines of up to \$190,000 or 10 years imprisonment.

The relevant parliamentary committee had a range of stakeholders appear before it including, but not limited to, the Department of Justice and Attorney-General, the Department of Local Government, Racing and Multicultural Affairs, the Environmental Defenders Office of Queensland, Brisbane Residents United, the Noosa Shire Council, the Queensland Law Society, the Property Council of Australia, the Crime and Corruption Commission and a number of others. The Electoral Commission of Queensland received an invitation to attend the public hearing but chose not to attend and the ECQ then agreed to appear before the committee at a later date in a private hearing. This is concerning to the Liberal National Party as the agency charged with delivering such a far-reaching change to Queensland's electoral system should have been prepared to answer questions about the policy implementation in public, and neither the Crime and Corruption Commission nor the Queensland Law Society were consulted on the drafting of the bill.

This is a government beholden to the unions. Those opposite in this chamber know that that is the case, and so does the public. Unions have had control over who gets into cabinet and which portfolios ministers are offered. If there was a checklist for what this Labor government has done for the unions, it would read something like this: overtly supporting campaigns about penalty rate decisions in the federal IR jurisdiction when the powers were referred in 2009 under the former Labor Bligh government when the Hon. Cameron Dick was the IR minister—tick; scrap right-of-entry protections against militant unions like the CFMEU—tick; change retail trading hours in favour of and to support the shoppies union—tick; create Energy Queensland so that the ETU can compete against mum-and-dad electrical contractors and expand its membership base—tick; and consider a Teachers' Union veto for independent public schools—tick. We could go on and on and on. I will conclude by saying this: this is really a political witch-hunt—

(Time expired)