



Speech by

**HOWARD HOBBS**

**MEMBER FOR WARREGO**

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Hansard 23 November 1999

**LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL (No. 2)**

**Mr HOBBS** (Warrego—NPA) (3.20 p.m.): I rise to speak on the Local Government and Other Legislation Amendment Bill. The policy objectives of this Bill provide, among other things, for a four-year term of office for local government councillors, a change in equal employment opportunities, reporting responsibilities in local government annual reports, certain minor and technical amendments to a number of Acts, to postpone or avoid the commencement of several provisions of the Innovative Planning Act 1997, the Environmental Protection Act 1994, the Transport Infrastructure Act 1994 and to amend the Innovative Planning Act to respond to amendments in other legislation.

The first matter relates to four-year terms for local government councillors. Obviously, this is a matter of the Minister for Local Government making policy on the run. I notice the Minister is shaking his head.

**Mr Mackenroth:** This is for Hansard— shaking my head "No".

**Mr HOBBS:** Okay, shaking your head to mean "No". That is exactly the point I am making. The Minister did not mention this matter in the lead-up to the last election. The Minister cast a fishing line through the window, someone put a note on the end of it, he reeled it back in and went ahead with the idea of four-year terms for local authority councillors. Perhaps a telephone line was used as well.

I have no problem with four-year terms for councillors in principle. However, the Opposition is concerned about the process. The Opposition is in favour of a referendum being held at the next local government election. If the referendum supports four-year terms, so be it; if not, we should retain the three-year term.

**Mr Fouras:** Tell us why.

**Mr HOBBS:** I will tell you exactly why. The Government is taking away the right to vote. Voting is the most fundamental right that we have in this country. We are lucky to live in this country and not in a country to our immediate north in view of what has occurred there in the last few months. A vote in this country means something. If we interfere with the right to vote in any way we will deprive people of one of their most fundamental rights. At the moment, we vote three times in a period of nine years—

**Mr Fouras:** A 25% reduction in people's rates, you reckon?

**Mr HOBBS:** We have either three votes in nine years or three votes in 12 years. The people have a fundamental right to change their elected councillors if they so desire.

**Government members** interjected.

**Mr HOBBS:** You guys should have two-year terms in office.

**Mr DEPUTY SPEAKER** (Mr Reeves): Order! I remind the member for Warrego to speak through the Chair.

**Mr HOBBS:** Yes. Those opposite should have two-year terms. Perhaps those opposite should have a one-year term. We will not go into that matter any further.

It is necessary that the people of Queensland be consulted in these matters. I asked the Minister a question with regard to the response of local authorities to the issue of four-year terms for councillors. The Minister informed me that 52 out of 125 local government authorities responded in the

affirmative. This represents 41%. Therefore, 59% of local government authorities were against the proposal, were neutral, or did not respond. I realise that this is not the best set of figures—

**Mr Mackenroth:** What percentage said "No"?

**Mr HOBBS:** Eighteen said "No", nine were neutral and 46 said nothing. Those numbers are not sufficient to enable the Government to introduce major reform. The reality is that only 41% said "Yes". However, the Minister says that this is the way to go. I do not doubt that, at the end of the day, it may be the way to go.

**Mr Mackenroth:** If I used your argument, 14% said "No", so therefore 86% must agree.

**Mr HOBBS:** No, they didn't—they didn't say "Yes". It is a matter of yes or no. The Minister has been here long enough to know that one either votes yes or no. If one does not vote, it is a "No". We had a referendum in relation to a four-year term for the State Government in 1990. As honourable members know, that referendum failed. The people had a say in that instance, and that is the only rough guide that we have.

I want to refer to the situation in other States. In New South Wales the situation is that if the mayor is elected by the councillors, the mayor's term is for one year, but if he is elected by the electors, the term is for four years. Currently there are 177 local councils in New South Wales. Of this number, 21 elect the mayor by way of popular vote whilst the remaining 156 councils elect the mayor from the list of elected councillors.

In Victoria there are 78 local authorities. Council elections may be conducted once a year or once every three years under the authority of the Local Government Act. Currently, all councils in Victoria are operating on the basis of a three-year term. All mayors are elected by the elected councillors.

In South Australia there are 68 local authorities. Mayors and city councillors are elected every three years. There are 21 councils in South Australia which are headed by a chairman or a chairwoman and the councillors of these councils elect a person to fill the position for a period not exceeding three years. The remaining 47 councils elect their mayors by popular vote of the electors for three years.

In Western Australia there are currently 144 councils. Of this number, 29 councils elect their mayors by popular vote and the remainder elect their mayors from the elected councillors. Mayors are elected for four years, whilst councillors may be elected for four years or two years. Some councils have a combination of both two and four-year councillors. A change is occurring in the situation in Western Australia.

**Mr Lucas:** Sounds like you're having two bob each way.

**Mr HOBBS:** It isn't necessarily two bob each way. I am more concerned with the process. I do not have a problem with four-year terms, but we have to ensure that the people have a say in the process.

I am not being critical of councils, but many councils made a determination as to how they felt and issued a press release for comment. That occurred in the majority of cases throughout the State. There was not a lot of research done by councils themselves. In some cases, some councils carried out independent surveys of voters. They did not have to, and they did not need to. I am not being critical; I am just saying that that is what happened. I wrote to various groups and the comments that came back to my office from councils and councillors were in the following terms: if we are looking at placing decision making back into the community and onto local government, why are we taking away people's ability to change their community representative every three years; the length of stay is no guarantee of quality; and a four-year term could be too long if a particular council was not effectively managing its operations. In regard to that last comment, one instance that comes to my mind is the State Government of Victoria that was led by John Cain and then Joan Kirner. In the last term of that Government, I would have thought that the people of Victoria would have been hanging by their toes and fingernails biding their time because they knew that they had to go.

**Mr Lucas:** It only took two and a half years to get rid of you.

**Mr HOBBS:** I will repeat what I said. I am saying that, in relation to four-year terms, in Victoria in the last year of Joan Kirner's Government, everyone in Australia knew that that Government was going down and down. People could not wait to change Governments. However, they could not do a thing about it. If local governments had four-year terms, that would be one frustration that I think would certainly be out there.

**Mr Lucas:** That's why you got two and a half years.

**Mr HOBBS:** We would have liked to have had a bit longer.

One comment that was made to me was that it would be appropriate for local government terms to be in line with State and Federal terms—and who wants to bet that four-year terms for State Governments will be the next issue that will be flagged in this place; that is something that we can look

forward to— otherwise inconsistency and confusion will reign. Another comment that was made to me, which I believe in many ways is quite valid, is that unless the by-election period of two years is retained, four-year terms may result in more mid-term resignations and increased costs associated with by-elections in the third year.

I have also heard it suggested that, if a four-year term is adopted, section 253 of the current Act should be amended to allow for the filling of vacancies in the third and fourth years to be by appointment. Another comment that has been made is that a longer term would enable councils to fulfil programs and deliver appropriate services within a strategic time frame and it would also reflect in cost savings for local government in running elections. Minister Mackenroth has flagged that he will investigate the prospect of the Electoral Commission conducting local government elections. It has also been said that should that occur, it would be difficult to make cost-saving comparisons. That is a possibility. We will not know that until the proposal comes to fruition.

Generally speaking, those were some of the issues that were raised with me. The Local Government Association asked Market Facts to conduct a random sample of 300 households across Queensland in the week ending 4 June 1999. The purpose of the survey was to identify whether the community preferred the current three-year term for local government in Queensland or whether they supported the idea of a four-year electoral term. The overall results of that survey showed little significant difference in the attitude of the Queensland population to the question of four-year terms across demographic sectors and geographical locations. The overall response indicated that some 57% of the respondents support the idea of a four-year term for local government. Table 1 of the report on the survey provided details of the overall results and the differences by council type. The table revealed little significant difference between each group, with the metropolitan residents most in favour of four-year terms—60%—and the rural residents marginally less in favour of four-year terms at 52%.

I am not disputing these figures at all. However, the survey involved only a small sample. By the same token, I believe that there is still enough inconsistency in the community that we need to ask the question: do the people really want four-year terms for local government? We see that the only fair way to ask that question and to provide the people with more input is by a referendum. I am prepared to move an amendment along those lines. One does not have to be Einstein to work out that, at the moment, politicians of all persuasions are not the flavour of the month in Australia—and probably around the world. Certainly, the elections that have been held in this country over the past year or so have indicated a degree of uncertainty in the community. Quite frankly, it is a damned shame that politicians have such a low standing in the community, because there is a need for people to have a lot of trust in politicians, particularly during these difficult times. As I have said before in this House, unfortunately—and this is not being political; it is purely the facts—when Paul Keating was Prime Minister, he would talk about "a lovely set of figures" when everybody knew that they were the worst that we had ever seen in this nation. People just knew that he was lying. It was as simple as that.

**Mr Swarten:** That's not true.

**Mr HOBBS:** It is true.

**Mr Swarten:** The worst that we've ever seen?

**Mr HOBBS:** Yes, absolutely.

**Mr Swarten:** In the history of this country?

**Mr HOBBS:** They were dreadful. They just beat Gough Whitlam's figures.

**Mr Swarten:** Oh, for crying out loud!

**Mr HOBBS:** No, I am not making it up.

**Mr Welford:** Seventeen consecutive quarters of growth—the longest period of positive growth in the nation's history.

**Mr HOBBS:** Rubbish. God almighty! It was an absolute disaster! The members opposite know that as well as I do. We could talk all day but we will not reach agreement on it.

**Mr DEPUTY SPEAKER** (Mr D'Arcy): Order! The honourable member is taking interjections. He does not have to take them. It is up to him.

**Mr HOBBS:** Through this process, the Government is taking away people's fundamental right to vote regularly. It is as simple as that. The referendum that I propose will have a limited cost. It will occur at the same time as the local government election. I have read the Act, and I believe that it is quite possible to implement my proposal without any negative impacts. It will allow clarification once and for all of whether or not people want four-year terms for local government. It would not be a big political issue. I do not think that it would get tangled up in any great political quagmire. I feel sure that it would be a fair referendum without experiencing some of the problems that can arise during a referendum, such as we saw recently in relation to the republic referendum.

I believe that the lack of consultation is a serious issue, not so much with local governments but with the people. Some councillors have said that they need a longer term because they need more time to implement some of their programs. That could be the case in some of the larger councils. However, I do not believe that that would be so for some of the smaller regional or remote councils. Most of those councils' road programs and so forth are fairly well documented. Those councils never have enough money to do the work that they want to do. However, those programs are in place, and I do not really believe that that is a big issue. The Minister said that he was going to announce what the situation would be in Toowoomba. He was supposed to wait until the vote came, which he did, but then he told the conference that Cabinet had approved it the previous Monday. He really had not even waited for the conference to vote.

**Mr Swarten:** Is that the one where you said about airconditioning public housing units?

**Mr HOBBS:** That is another debate that we could probably get into and we might cover it in the next Bill. I am sure that we will be able to talk to the Minister about improving the airconditioning in some areas.

**Mr Swarten:** You opposed it.

**Mr HOBBS:** I did not oppose it. It is a long story.

The other very important issue that I want to talk about is what happens when a vacancy occurs in local government. Presently, if a vacancy occurs within the first two years of a term, a by-election is held. If it happens in the last 12 months of a term, an appointment is made by the council. If we move to four-year terms, I believe that the legislation will have to be changed. I have prepared an amendment along the following lines: if a vacancy occurs within the first two years of a term, there would be a by-election. If a vacancy occurs after two years, the council would be able to move a resolution to go either way, that is, to appoint a new councillor or to hold a by-election. I believe that that gives the councils more flexibility. It gives them some rights when it comes to making decisions and it gives them more authority. Also, remote councils in particular should not have to face the expense of holding a by-election when the problem can be solved through the appointment process. That is a sensible and practical solution that will probably prove to be a lot less costly for many local authorities.

A number of other issues in the Bill relate to employment opportunities. An amendment to the Local Government Act introduced the equal employment opportunity regulation, which meant that councils had to undertake a management reporting process. A copy of the subsequent report had to go to the Minister and it also had to be published in a special equal employment opportunity annual report. This legislation does away with that requirement, and that is welcome. I wonder whether the whole thing is worthwhile. This amendment to the legislation basically means that the annual report of the local government covers the subject, although perhaps more broadly than it was covered under the regulation. However, a council will still be conveying what it is trying to do in this regard and that is quite reasonable. I really wonder just what Government has achieved in the area of equal employment opportunities over the years. Perhaps in his summing-up the Minister can enlighten us on the subject.

The Opposition does not have much of a problem with the other Acts that are being amended. Amendments to the Integrated Planning Act, the Environmental Protection Act and the Transport Infrastructure Act basically bring the time frames and dates into line.

The Scrutiny of Legislation Committee has made a couple of points in relation to the Coastal Protection and Management Act. The Act presently provides that a State coastal management plan, a regional coastal management plan and any new plan of either type must be approved by the Governor in Council and must be classified as subordinate legislation. The Bill removes the reference to each of those plans being subordinate legislation and inserts a new section 43A, which declares that the various types of plans are statutory instruments under the Statutory Instruments Act 1992.

The committee states that it is difficult for it to determine the significance of the matters that will no longer be subject to tabling and the disallowance process. The fact remains that when the Act was enacted in 1995, it was thought appropriate that they should be subject to that process. I understand that we have the Integrated Planning Act and IDAS, and that there is a need to correlate some of the Acts to streamline the planning process. However, the committee states that it is concerned that the coastal plans will no longer be classified as subordinate legislation and, therefore, will not be subject to parliamentary scrutiny. Accordingly, the committee seeks information from the Minister as to the subject of coastal plans and the protections incorporated in the proposed system given that parliamentary scrutiny of those plans is to cease, and asks why it is thought appropriate to terminate the scrutiny of those instruments by the Parliament.

I will close with those few comments. I believe that there is a need for us to be more open and accountable. We need to give people every possible opportunity to have a say. I do not believe that railroading things is a satisfactory way for Governments to operate. While what the Opposition proposes is not entirely over the top, it is a simple way of ensuring that the democratic process works at its best for the people of Queensland.