



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

Hansard 23 November 1999

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

Mrs LIZ CUNNINGHAM (Gladstone—IND) (5.13 p.m.): Rather than contradicting the previous speaker in the debate on the Local Government and Other Legislation Amendment Bill, I indicate that I do not hold a strong view as to whether we have three-year or four-year terms; however, I am a strong advocate for fixed four-year terms, be it for local, State or Federal Governments. I share the concern raised in the debate that the ordinary electors have been bypassed in this process. I acknowledge that there was media coverage on the issue and also that there was not a great deal of reaction. The member for Fitzroy made a comment during the contribution of the previous speaker that he received only one letter. I do not think there was a great deal of reaction in my electorate, either. When I have spoken to some people individually about fairly serious issues in my electorate, they have said, "I don't get the paper", or, "I don't listen to the radio." A lot of people do not access media broadcasts.

Mr Mackenroth: At least half the population do. I think you can take a fair guide off that. Half—which is what the majority of people think—that's a reasonable proposition.

Mrs LIZ CUNNINGHAM: All right.

The other comment that I would like to add is that when the Local Government Minister, Mr Mackenroth, took the issue to the Local Government Association annual conference in Toowoomba, it was put to a vote. It was stated that the decision was backed by a vote at the conference despite strong opposition from small rural and regional councils. That is a concern. It has been raised anecdotally in discussion on this Bill that four-year terms may make it more difficult to find suitable candidates for rural and remote councils. I believe the Minister was accurate in his second-reading speech when he stated—

"... more councillors in these areas"—

that is, rural and remote councils—

"tended to serve for longer periods—and often received long service awards—than councillors from larger regional and urban local governments."

I believe the Minister is 100% accurate. I do not think that the extra 12 months will make a great deal of difference with respect to the ability to retain good councillors. Perhaps a three-year term versus a four-year term will frighten some; it sounds a bit longer. However, I do not think that the argument about having good councillors in rural and remote areas is a good one to use against this proposal.

It was stated that the Local Government Act is a State statute—it is—and that State Government is therefore in charge of local government. That is true in the legal sense of the word. When Tom Burns was the Local Government Minister the councillors told him, "We don't want to be a creature of the State. We want to be autonomous. We want the right to decide our future." Tom's response was, "Okay. You make the decisions, but you carry the can." To use the argument that local government is a creature of the State and, therefore, we have the right to make decisions on its behalf would fly in the face of the message that local government has been sending to the State Government for many years.

The other issue raised strongly in this debate to support this change via legislation only is that the Local Government Association has supported this proposal. I do not doubt that. The people who run the Local Government Association are very efficient and are on top of most of the local government

issues. However, they represent the elected local government bodies, not the community. I do not think they get a great deal of feedback from the community. Their information is gathered from within the elected local government sector and the chief executive officer, IMM-type sector. They do that brilliantly. I do not question their information at that level. However, I wonder how much information they have got back from electors. Because this fundamentally affects people—and I agree with all of the statements that local government is the level of government closest to the people—I support the referendum proposal. I think the amendment that the shadow Minister is proposing is a very sound one. It is not proposing to say, "Lay aside this four-year term until we have a referendum in 2000 and then implement it in 2003 or 2004." It is saying, "Have a referendum, and this amendment is structured so that either outcome from that referendum can be accommodated." If at the forthcoming local government election the community says, "Yes, we want quadrennial elections", that will kick in automatically. If triennial elections are retained, that also will kick in automatically.

I think that is a very sound process to use. It is still taking a State Government initiative—and I commend the Minister for that initiative—but it does not keep the community out of the loop. Fundamentally, if a person in the community is aggrieved by a decision that their own local government has made, the notion of instituting a four-year term as opposed to a three-year term without any input from the electors will be a grievous one indeed. I commend for the Minister's consideration the amendment foreshadowed by the member for Warrego, which does not preclude the quadrennial elections; it just gives the electors that choice. There would not be an additional cost; it is proposed that the referendum would be held at the same time as the local government elections.

I want to make a couple of comments about EEO reporting. I was in council when this was first introduced. I do not have any problem with the notion of councils having to consciously consider the employment mix in their local council, how that is achieved and how it is monitored. However, at the time it was initially introduced, we had practical difficulties in gathering the data because, in order to gather the data, either assumptions had to be made or questions had to be asked that were discriminatory. Whilst I have no doubt that the drop in reporting requirements directly to the Minister is welcome, I really hope that in the consultation with the stakeholders—with local government—in the preparation of the regulations the Government will take into account that sometimes gathering the information that is required of local government is very difficult to achieve because of either the assumptions that have to be made or the questions that have to be asked which some could allege are discriminatory.

I want to seek some clarification from the Minister in relation to some proposed amendments that would give Aboriginal and Torres Strait Islander communities the ability to levy rates and charges. I do not have a problem with that, except that there is a proposal to also allow those councils to exempt a resident from paying that rate or charge. There do not appear, though, to be any guidelines setting out the reasons for that exemption to be granted. I am wondering whether the exemption is just an open exemption, which could cause conflict within the community if one resident receives an exemption and another does not. We all know that people in local government communities see themselves as similar to each other. As I said, there do not appear to be any guidelines as to how those exemptions can be given or within what framework.

I also want to query the Minister on the validating provisions. He is proposing to retrospectively validate rates that have been charged in the past. I wonder whether there has been any attempt to ascertain what aggrieved parties that will affect. I understand that there must have been areas in the communities where rates have been levied and the legality of those rates are under question, and this is to validate that rate collection. I wonder whether there has been any attempt to identify aggrieved parties who may be either out of pocket because of legal expenses or out of pocket in other ways because this validation will perhaps knock them out of an appeal or objection process in which they may already be involved.

Again, I do not have a strong view on three or four-year terms, but I do believe that the proposed amendment to give the community an opportunity to speak to that proposal without disadvantaging either the Minister's initiative or the community is a sound one.
