



Speech by

LEX BELL, MP

MEMBER FOR SURFERS PARADISE

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LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL

Mr BELL (Surfers Paradise—Ind) (6.13 p.m.): Thank you, Mr Deputy Speaker. I am told that it is unusual for a member to make a maiden speech on a somewhat contentious bill such as the Local Government and Other Legislation Amendment Bill. It is much more usual in maiden speeches for members to speak about their electorates or to thank helpers and family members and the electors for putting them in this place. Certainly, I do those things. I thank my helpers and my mother, who has had to put up with my absences whilst she is very seriously incapacitated. I thank the electors for electing an Independent to represent the seat of Surfers Paradise. Many people said that they had never in their lives voted for an Independent until the recent by-election.

I am glad that I am an Independent, because I believe that the repository of all wisdom, good and decency does not repose in just one political party. And in the few days I have been here I have found that to be so. I have found that members of all political parties and those who are not members of any political party are very friendly, very helpful and, by and large, very decent people. It is my joy to be here amongst them.

If I were giving an ordinary maiden speech, I would talk about prostitution on the Gold Coast, but that will come shortly because of the private member's bill on prostitution which will be debated in this House at a later date; I would talk about policing and the need for an upgraded police budget for the Gold Coast district; and I would talk about funding for tourism. But those sorts of things would not be appropriate to speak about at any length in this debate, which is concentrated on local government or some aspects of it.

Since we are talking about local government, I draw to the attention of the House what a catastrophe the amalgamation of the Gold Coast City Council and the Albert Shire Council was some six years ago. It is not a recognised fact that immediately after that amalgamation, when some were preaching economies of scale, the diseconomies of scale came forward to a marked degree. Within 12 months, the cost of administration of the combined Gold Coast-Albert entity had leapt \$70 million per annum over and above the budgets for administration of the former Gold Coast and Albert councils, and it stayed there. We now have a situation in which there is a great lack of common interest. It is very much 'them and us' within the council. I have to admit that I have little to contribute about bush fire brigades or sandmining in the Albert River. Certainly, those from the hinterland areas are not particularly experienced or interested in sand beaches or midges in the canals.

I also have to say that ratepayers' expectations for personal service from councillors have remained at a very high level. Following the amalgamation, divisions of 20,000-plus residents were created—only slightly fewer than in a state seat—and yet they all still expect the same level of service as they have always expected from local government councillors, such as being prepared to look at potholes, gutters and a plethora of other issues which may not seem very important objectively but which, to the individual complainant, are critically important. There are endless committee meetings in the combined Gold Coast City Council—almost every day. Never before in my public life or in private practice have I been in a situation where I had to accept that I could not return phone calls. Being in one's office for 30 minutes in an entire day and having 40 telephone messages amounts to a situation of impossibility and a very poor service to one's constituents.

After that long introduction, I turn specifically to the bill before the House. I could not resist asking to speak to this bill because I have such a passion for this subject. I have no difficulty with five of the six matters dealt with by the bill. However, I am very concerned about the provision that requires councillors running for higher office to cease their council duties at the time nomination is made. The minister's second reading speech, which was given when the bill was presented, made reference to the fact that 51 submissions opposed the proposal and 13 supported it. Those submissions were dismissed—very arbitrarily, in my view—on the basis that many of them were from people associated with local government. There is absolutely no point in councils and the Local Government Association being asked to comment on proposed legislation if their view, when presented, is totally ignored. I submit in the strongest terms that that has been the case in this situation.

Equally, there is reference in the minister's speech to a professional survey. There is no detail given, and none known to me personally, of the methodology of that survey. May I say from my own personal experience: when I was nominating for state parliament in the recent by-election for Surfers Paradise, I made it known through the press that I was considering resigning from council at that time. I was besieged by calls from people in the community saying, 'Lex, please don't do that. Please stay there as long as possible. We don't want a greater hiatus than is necessary. Matters are coming before council. We want you there for as long as possible to vote on those particular issues.'

I had to listen to those calls. It would have been far easier for me as an individual to resign from council at that time. I was sufficiently confident of election that I was prepared to do that. But the reality is that I would have been letting the people down. The people of my particular area certainly wanted me to stay to the last minute. Indeed, I was back in the office working very hard at council until 2 o'clock on the day that the poll was declared. I was trying desperately to clean up matters so that people's business would receive attention, right up to the last moment.

I do not want to be the 'last of the Mohicans' of people who come to this House from local government. But, unfortunately, the effect of this particular bill, if it becomes law, is that it will be a tremendous disincentive for people in local government to proceed to higher office. We will see a situation whereby few will be prepared to offer themselves.

It must be pointed out that very seldom—in fact, I cannot recall an occasion—do local government elections more or less coincide in timing with elections to state or indeed federal parliament. The reality is that there is a long gap between local government elections and elections to other levels of government. If one had to resign at nomination stage without any assurance of re-election at a subsequent by-election—it could be organised by the council that one could not stand if it put in place a by-election quickly enough—then we would find that very few people would be prepared to take the risk.

I disagree with the member for Callide when he made a distinction between rural local authorities and urban ones, where there is in fact a wage paid. I did not draw my full wage at any time I was on the Gold Coast City Council. I did not draw the mayoral allowance when I was mayor of the city—I drew just what the other aldermen drew—and up to the time I ceased last week by operation of law I certainly was not drawing my full entitlement.

But the reality is that if I were a man or a woman who had dependent children and that were my only source of income—and in an urban local authority it is more than a full-time job to be on council—I could not have taken that risk. It would have been such a disadvantage to my family and dependants to have to take the risk of saying, 'If I am not elected to higher office I will go back and contest a by-election.' Contesting a by-election, particularly in councils which are not party political, is in itself a tremendous impost. It would cost someone up to \$20,000 in the case of the Gold Coast City Council just to stand as a divisional councillor. Those costs are in publicity and in running just an ordinary campaign. Some spend \$40,000 or \$50,000 on such a campaign.

The minister concluded in her speech that the community in general supported the proposal. I would have to say to the minister, with all due respect, that that is not so in my experience, and it is certainly the case where the public had the opportunity in a practical sense to direct their minds to the issue—not in a case where some surveyor rang up or spoke to someone in the street but rather in a case where it was made known to the public at large and the public, without any solicitation, were the ones who came forward and said, 'We do not want this to occur.'

Three reasons were given in the minister's speech in support of this policy. One was conflict of interest. Quite honestly, the conflict of interest, if it were to exist at all, would not be abridged or removed by the fact that someone resigns at the point of nomination. That conflict surely would have existed long before that if it were to occur at all. I did not see a conflict of interest situation, but one could achieve the same result by having a provision in the legislation whereby someone nominating was required to stand down—not to give up the post but to stand down for the duration. That, after all, is the case of an employee of a local government who wants to stand for his or her own council. That employee takes leave—it is provided for in the act—and that person is reinstated if unsuccessful at the election.

Another reason given was that it would stop people from not staying for the full term. But if one says that councillors should stay for the full term, one is condemning them never to aspire to higher office, because it is hardly likely that someone would retire at an election, saying, 'I am going to have a go for state parliament in two years time,' and do nothing in the meantime. I was 16 years in local government, and if I had not achieved what I set out to achieve in local government then there would be something wrong with me. I thought, and the community thought and endorsed in high regard, that I should offer because I should be able to do something better and more for the community I represent in this particular forum.

Then there is the issue of consistency. I ask the question: are local government representatives in other states required to resign at the time of nomination? I do not know the answer to that. I put it forward as an interesting situation. Maybe the minister would be able to address that later.

I believe that this parliament should be encouraging people from local government to proceed to the state and perhaps the federal parliaments. Local government is a great training ground. It is a training ground which gives people experience in public speaking, in the ways of government, in dealing with electors, in dealing with the media and in a whole range of other very interesting and very relevant situations. If one has to leave and lose one's job, if that is the matter on which one is dependent for sole income, then it is very unfair and very discriminatory of those in local government. I do not know of any other person on the public payroll, other than those in this House, who would be required to give up their jobs, as distinct from taking leave without pay, for the sake of standing for election to parliament.

I would like to turn very briefly to the wording of a section that may have been referred to by other speakers before I came into the chamber. Certainly the Local Government Association has taken legal advice on some of that wording. I looked at it myself today in the Parliamentary Library, quite independently, and came to exactly the same conclusion, that some of that wording needs further attention.

Clause 6 refers to a councillor ceasing to be such if under the Electoral Act the councillor becomes a candidate for an election. I could not find a precise definition of 'candidate for an election', but there is in the Electoral Act a definition of 'candidate'. It does say 'a person is properly nominated for election for the purpose of the section if', and it sets out the mechanics of nomination. It then goes on to say they are properly nominated if 'neither section 86 nor 87 applies to the person's nomination'.

Section 87 refers to the fact that one can nominate and then before the cut-off date withdraw one's nomination; then that nomination has no effect. That leaves us with something of a quandary, on my interpretation of the wording of the provisions, as to what happens if someone nominates and ceases to be a member of local government but before the cut-off date withdraws the nomination so that under section 88(4) of the Electoral Act that person is no longer a person nominated for election. One could say, 'Well, you shouldn't nominate in the first place', but that is not the gist of it. The situation is that we should be seeking to have the clearest possible wording of sections that affect people's livelihoods.

It could well be the case—and perhaps it is the better interpretation—that if someone nominates and then withdraws the nomination before the cut-off date, that person's nomination is not counted at all and that that person retrospectively—because he or she has never ceased to be a councillor—continues as a councillor. The matter may have to be taken to court for judicial interpretation if the wording is not changed.

I would submit to the minister that perhaps she might look at the very least at the wording to say something like not that a person 'ceases if properly nominated for election purposes' or 'becomes a candidate for election' but says 'is a candidate for election at the time of closure of nominations' or 'the time that nominations are announced officially by the returning officer'. At the very least that could save some litigation, it could save uncertainty in the legislation. I would submit to the minister that that would be something very worth while for her to consider.

On principle, I submit that the whole gist of this legislation is wrong. It is unfair; it is discriminatory; it is designed to deter people from proceeding from local government to this House. As I look around on both sides of this House I see that there are a number of members who have come from local government, including the honourable member for Southport, who was an alderman in the Gold Coast City Council at the time I was the mayor of that council. He served the council very well, but he later ceased to be an alderman and of course there has been in his case an hiatus.

I would submit that people should be positively encouraged to take their grounding in local government as a legitimate way of receiving appropriate training for higher levels of service in the state and the federal parliaments.
