



Speech by

HOWARD HOBBS

MEMBER FOR WARREGO

Hansard 7 March 2002

LOCAL GOVERNMENT AMENDMENT BILL

Mr HOBBS (Warrego—NPA) (9.48 p.m.): I have seen it all. I have spent 15 years in parliament and until now I had never seen someone speak twice in the same debate. The government is trying to rot the system in Queensland. It is even trying to rot the legislation before the House.

Mr Lawlor: We were just testing you out. It took you five minutes to wake up.

Mr HOBBS: I bet you were just testing me out. The proposed new laws would allow councillors to stand aside from their council duties for the duration of the election campaign in which they stand as a candidate for state parliament. It seems as if the majority of Labor members in this House tonight believe that most councillors have motor cars, offices and fax machines. The reality is that some of them get only a roll of fax paper and an allowance. In the fish bowl government members live in, they talk about councillors in their particular region. Yes, there are councillors who earn higher salaries and who do have those things, but the majority do not. It is important that government members understand that.

This amendment would restore the rights of Queenslanders to vote for the candidate of their choice and the democratic right of councillors to stand for state parliament without first resigning their council position. The Court of Appeal recently found that the legislation was unconstitutional in restricting councillors from running for federal parliament. Despite that, the Beattie government has refused to repeal those provisions which restrict councillors from running for state parliament. In this instance, the courts are on our side. They say that what was done by this state government was in fact wrong. It is up to the government to change the state laws to reflect the opinion of that court decision.

The changes proposed in this bill will do so and will overturn the Beattie government's restrictions and instead introduce a fairer and more democratic requirement that councillors stand aside. We are saying that councillors should stand aside for the duration of any state election campaign that they may contest. We believe that that is reasonable enough. That should allay the fears of those members of parliament who have concerns about councillors using their resources and being paid while contesting an election for higher office. If they stand aside, we believe that is one way to work through this issue. The only reason the Beattie government wants to shut councillors out from running for state parliament is to protect Labor MPs from challenges by councillors and to improve Labor's electoral chances. The reality is this: in the last 13 years—

Mr Cummins: The only one that won the last election was a Labor member.

Mr HOBBS: Ha, ha, ha! Why didn't the member for Kawana resign? Why didn't he have the guts to resign under the Labor Party policy? He did not have the guts at all, did he? He stood up there and took the money. The cheque was banked every week. What about the car and the mobile phone? He had all that during his election campaign, and that was against Labor Party policy. He is a hypocrite. In the last 13 years there have been 33 councillors—

An opposition member interjected.

Mr HOBBS: He would not have stood for election if he had to resign. He would not have had the courage. He does not have the ticker. He would not stand. Some 33 councillors have entered this state parliament in the last 13 years. Some 18 have been conservative, 13 have been Labor and two have been Independents. I wonder why Labor is trying to knock them out. It is as simple as that. One does not have to be all that smart. Even the member for Kawana can work it out. It is quite simple. This

prevents conservatives and other candidates from running against Labor and stops high-profile councillors from running against Labor candidates.

Mr Johnson: Does it apply to the unions, too?

Mr HOBBS: No, it does not. The member for Gregory rightly asks: does this apply to the union movement? The answer is no. If I asked members in this House to show their hands if they came from the union movement, most of the hands of those opposite would go up.

The Local Government Minister has also made a number of misleading statements in the House in relation to this bill. When explaining the grounds on which 224A(b) of the Local Government Act was found by the Court of Appeal to be invalid, she has told only half the story. The minister implied that the court's decision was based solely on the finding that only the Commonwealth parliament can legislate on this matter in relation to Commonwealth elections.

The minister omitted to mention that the court unanimously held that section 224A(b) is also invalid on the grounds of inconsistency with section 327 of the Commonwealth Electoral Act, which prohibits interference with the free exercise of political rights in relation to Commonwealth elections. Where are all the civil libertarians on the other side of the House now? They are nowhere to be seen. In other words, the Court of Appeal unanimously found that section 224A(b) interfered with the free exercise of political rights. That is what the court said. This raises an important question for all members in the House to consider. I ask members to listen to this. Why should the political rights of Queensland councillors and voters in relation to state elections be less than those that they enjoy in the case of Commonwealth elections?

The Local Government Minister has also misrepresented a statement by the President of the Court of Appeal in the relevance decision. The president pointed out that there are substantial considerations as to why the occupation of an office such as local government councillor during a federal election campaign may be undesirable. In making this statement, the president was acknowledging that certain office holders should not occupy their office during federal election campaigns. This is entirely different from saying that such office holders should lose their job upon becoming a candidate, as the Local Government Minister has implied. In effect, the President of the Court of Appeal has highlighted the mischief that this bill would address by forcing councillors to stand down when contesting state elections, and that is true. It is there. It is quite clear.

It is ironic that by introducing section 224A of the Local Government Act the government has succeeded in manipulating the electoral system to an extent which dwarfs that of any of the sorts exposed in the Shepherdson inquiry. Fewer conservative MPs, fewer Independents and a reduced risk of high-profile councillors taking on sitting MPs at elections are the intended effects of the government's law. Section 224A represents an underhanded attempt by the government to entrench Labor Party advantage by undemocratic means. It has nothing to do with good policy. For more than 100 years councillors throughout Australia enjoyed the right to contest Commonwealth and state elections without having to give up their jobs as councillors. Many councillors of all political persuasions have gone on to honourably serve their local communities and their state as parliamentarians. Why does the government now believe that this flow of councillors to higher office is undesirable?

We have heard ad nauseam from Labor members of the House that the government's law banning councillors from contesting state elections is needed to achieve consistency with the requirements which apply to state MPs seeking higher office. But consistency can be a good thing or a bad thing. It is a means to an end, not an end in itself. The onus is on the government to explain why the councillors and voters of Queensland should be denied political rights they previously enjoyed. Unlike MPs, a large number of councillors are part-timers who receive little financial benefit for their efforts. The issue of consistency is an absolute red herring. In any event, in the process of achieving its version of consistency, the government has made the Queensland laws in this area inconsistent with the laws of the Commonwealth and every other state and territory of the nation. While the government says that it is trying to be consistent, it is now inconsistent because of the High Court decision. Inconsistency between the requirements of councillors and state MPs seeking higher office obviously was not an issue that concerned the founding fathers of our nation or subsequent generations of law-makers in the federal and state parliaments. Perhaps they were not as smart as the members of this government.

It is interesting to note that at the Constitutional Convention held in Melbourne in 1898 the founding fathers amended a clause which became section 44 of the Constitution so that state ministers would be exempt from the ban on Crown officers being elected to the Commonwealth parliament. This was done because it was recognised that state ministers of the day had experience and knowledge which should not be lost to a new federal parliament. Similarly, councillors have experience and knowledge that can be beneficial in service as an MP. A long history of achievement and honourable service by numerous past and present members of the House from a local government background demonstrates that councillors as a group have much to offer this House and the people of Queensland.

Mr Johnson: The member for Gladstone.

Mr HOBBS: Many former councillors have been elected. This government is intent on excluding from the chamber the very people who are most likely to have an interest in serving their communities through elected office. Members opposite seem to think that councillors have attained a state seat by some strange means and are clinging to that power. They may enter local government and see the need to go elsewhere. Most members in this chamber have at some stage moved and progressed through life and various jobs.

Mr Cummins: Except yourself.

Mr HOBBS: I have done quite a lot of jobs, as a matter of fact. The member for Logan argued that allowing councillors to contest state elections encourages nomination without responsibility. These are impressive sounding words, but what do they mean? The only possible meaning I can think of is that he thinks people will nominate irresponsibly if they have the option of contesting state elections without giving up their jobs and that they should therefore be forced to sacrifice their job if they choose to nominate. Such thinking demonstrates complete ignorance or contempt for the fundamental democratic principle that people have the right—the opportunity—without unreasonable restrictions to contest general elections.

The government has also defended its undemocratic law by claiming that it merely acted on behalf of ratepayers who might not be happy about their councillors not serving a full term. The presence in this House of the member for Surfers Paradise proves that not all ratepayers share the government's view on the appropriateness or otherwise of councillors contesting state elections, and the member for Surfers Paradise came to this place even after the state government brought this legislation before the House. Therefore, the proof of the pudding is that people do not share the view of the government that councillors should not stand for state parliament.

As I have said, this issue can and should be democratically resolved. The affected ratepayers should have the right to either support or oppose the candidates at the ballot box. Voters do not need the government to make this decision for them. That is what democracy is all about: people having the right to freely choose for themselves who should represent them in parliament. That right should not be curtailed unless it can be demonstrated that the benefits of curtailment clearly outweigh the adverse consequences for democracy. I point out to the minister that the curtailment imposed in section 224A of the Local Government Act fails that test.

I would like to thank the many members who have made a contribution to the debate on this amendment bill before the House. The minister said that it was not a major issue for councils and that some councils did not even respond on that matter. However, the majority did. Overall, the majority of the councillors of this state responded because of the number of councils that they represented. Not one council of which I am aware actually supported what the minister has done. If she has letters of support from a council that has supported it as a whole, I would love her to table them.

The minister cannot say that the community opposed what we are trying to do because she does not have any data. All she did was a little bit of dodgy research involving about 300 or 400 people. It depends on the questions she asked as to what answers she received. Even then only a very small majority of people went her way. If she had conducted a proper, comprehensive survey she would have got different results.

The minister said that the amendment bill that I have introduced does not apply to the Brisbane City Council, that in fact the drafting is erroneous. However, that is not the way that I see it. What I have put in my amendment bill in relation to the Brisbane City Council, which comes under a different local government act, is the appropriate legislative method for deferring powers within the Local Government Act. That is how it has been presented to her in this chamber tonight. If the minister is correct, then previous local government legislation would also be legislatively deficient. If that is the case, she ought to go back and rewrite the other bills that she has brought into the House in recent times.

The member for Gregory said that good quality council candidates come into parliament. He made the point that members who were previously councillors have gained a good background in relation to local and state government and it is a good stepping stone for them. In fact, he said that some of the best representations in this state chamber come from members who were previously councillors. He said that local government is a most important bastion of democracy, which of course it is. He also said that in introducing its legislation the Labor Party was playing politics with people's lives, and indeed it is.

The member for Redlands said that his reason for opposing the bill is consistency. I point out to him that the High Court has knocked out the requirement of councillors to stand down to contest federal elections. So if he wants consistency, why do we not be consistent and go back and remove the provision that requires councillors to stand down in order to contest state elections? Then everyone will be able to understand it.

The member for Redlands said that there was not one rule for the rich and one for the poor. However, I point out that the member did not have to resign from the police force when he entered parliament. I ask him: would he have stood for state parliament if he had had to resign? I would venture to say no, that he would not if he did not know whether or not he would have a job if he lost the election. It is lucky we have a democracy so that his pay cheque could continue to be banked every fortnight and he is now with us today.

The member for Surfers Paradise said that he was motivated to include this subject in his maiden speech. He made it a feature. He talked about his family and being an Independent, but he also stated that this legislation should be targeted and directed for good purposes and not for political purposes, as has in fact been done. He also mentioned the fact that local government is a very important training ground for members of parliament.

The member for Whitsunday repeated the sentiments of other Labor members. She talked about honesty. What about the research? The government was saying that there was tremendous public support for its legislation. The member for Whitsunday also said that. However, that was not true. If honourable members analyse the figures, they will see that the majority of people were surveyed. The previous Minister for Local Government, Terry Mackenroth, called for public submissions into whether the public supported this move to stop councillors from running for state parliament while still a sitting councillor. The responses that came back were about 90 per cent against what the government was doing. How can the member for Whitsunday rise in this chamber and say that we are talking about honesty when she knows that that is not true? Perhaps she did not know, but the then minister did. The member for Whitsunday was a teacher. Would she have gone back to teaching if she had missed out on her seat? Of course she would have.

The member for Callide supported the member for Surfers Paradise and pointed out the difference with local government practitioners. He mentioned that the member for Surfers Paradise knows the facts. He also said that the member for Whitsunday had no idea of reality and that under the government's legislation there will be more by-elections. That is true. If we consider what happened in the last federal election in Queensland, we see that the High Court's decision saved the people two by-elections. It is very important that we talk about that.

When this matter was raised with Senator Ron Boswell, he went to the Prime Minister and got his agreement to change the legislation to stop this undemocratic move by this state government. The legislation was being drafted at the time to do it legislatively, but time ran out. So they then supported the Local Government Association in their High Court bid and, of course, were successful. They proved that this government was trying to rot the system and that was knocked out. I would like to thank Senator Boswell for the work that he put into that.

The member for Callide also talked about the Terrymander, as we all now know it. That is what it was called and that name will stick. He also talked about the time when he was on council. He was getting about \$80 a day in meeting fees as a councillor, but he had to pay a man \$100 a day to drive his tractor when he was away. That goes to show how much remuneration councillors receive.

The member for Kawana was a councillor when he came to parliament, and we welcome him with the great knowledge that he possesses. We are still waiting to see the benefits of his council experience coming through. We have not seen a lot yet, but we are hoping to do so soon.

Mr Foley: There are none so blind as those who will not see.

Mr HOBBS: I did but see him passing by.

The member for Nicklin said that if we pass this amendment bill we will be discouraging people with experience from working in the community, and he is quite right. The government is trying to discourage those people who make a genuine effort. Members opposite must remember that not all councillors are crooks. It seems that they think that is the case. As far as I am concerned, all councillors are good, hardworking people. There may be people with whom we do not agree who have a different philosophy, but they have a general interest in entering local government and serving their community. I think it is fantastic that they do that. We need to encourage them as much as we can.

The member for Nicklin also said that he gained invaluable experience from his time in local government that helped him in his step into state parliament. He also made the very important point that the community can judge the calibre of a candidate because of the previous work that they have done. In many instances, they get a pig in a poke, as we can see with some of the members who were elected at the last election. They did not think that they were going to win a seat, but suddenly they did. The local community would not have known who they were.

I wrote down the comments of the member for Pumicestone. I am not sure how to handle this, but if she can speak twice to a bill, I can speak twice about what she said.

Mr Fouras: Do you need all this time to debate the next bill?

An honourable member: She was talking about the next bill.

Mr HOBBS: She was talking about the next bill?

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Poole): Order! I remind the member for Warrego to speak through the chair.

Mr HOBBS: Mr Deputy Speaker, thank you for your protection. The member for Pumicestone spoke in support of the original bill. Interestingly, in relation to this bill, basically she said that it had some merit in that she considers that the amendment will prevent by-elections. She is quite right. This amendment bill will save councils money. It will avoid costly by-elections because they will not be needed. Instead, the government is going to make councils foot the bill when councillors stand down to stand for election to state parliament. The member also said that her husband, Jon, had to stand down when he ran for state parliament.

Mr Johnson: He stood down all right.

Mr HOBBS: Yes. The member for Southern Downs summed up the situation very well. He said that the original bill was a get-even bill, that this legislation allows democracy to operate and that Labor cannot come to grips with local government. He is quite right. The members opposite seem totally obsessed with local government. I really think that they are concerned about challenges from local government, because these days councillors have a higher profile. The members opposite are quite concerned that councillors will pip them at the post. In fact, that will probably happen to a fair few members opposite.

After careful consideration the member for Nanango supported my amendment, and I appreciate that. The member for Gladstone also talked about councillors being people whom Labor is trying to stop coming into parliament. She was the chairman of the Calliope shire. Her experience and depth of knowledge benefited her when she was in the very, very difficult position of holding the balance of power in this chamber. I am sure that if such a situation ever occurred again and the member who held the balance of power did not have the experience of being a councillor, they would find it extremely difficult to manage the workings of this parliament.

I had difficulty following what the member for Indooroopilly talked about, but he said that the National Party was obsessed with this bill. I am not obsessed with the bill. I think that it is fair and reasonable. The High Court is on our side and the federal government is on our side. The only ones who are not on our side are the members of the Labor Party in Queensland. It just seems as though the old rorters—vote early, vote often, as the member for Toowoomba South said a while ago—have not changed a great deal.

Mr Foley: I wish you had supported the High Court on Wik the way you support the High Court on this.

Mr HOBBS: We will deal with that matter as we go. But right now, we are dealing with this bill. The High Court and the Supreme Court are on our side.

Mrs NITA CUNNINGHAM: I rise to a point of order. This bill that the opposition has introduced has never been tested in a court.

Mr HOBBS: There is no point of order, simply because the High Court decision is the basis upon which we have formulated this amendment bill. It is quite clear. The original bill also goes against the Commonwealth Electoral Act. So why should the rules be different from one act to the next? The minister wants consistency, but his argument has no logic at all.

I do not think that the member for Indooroopilly talked about the bill.

Mr Mickel: Yes, he did.

Mr HOBBS: He did?

Mr Mickel: Yes.

Mr HOBBS: Is the member sure?

Mr Mickel: Yes, absolutely.

Mr HOBBS: I reckon he talked about kids overboard and Telstra.

Mr Mickel: It was a great speech.

Mr DEPUTY SPEAKER (Mr Poole): Order! The member for Logan will cease interjecting from his incorrect seat.

Mr HOBBS: I am sure that the member for Indooroopilly had a good contribution to make. I really did not pick up on a lot of it apart from kids overboard and Telstra.

I thought that the member for Darling Downs gave a very passionate speech and I thought that all members should have listened to it very carefully. He said that if Labor could not draw its candidates

from the union movement without those candidates resigning, there would be nobody sitting opposite. The member for Darling Downs made a very good point.

The member for Hervey Bay said that councillors who stood for election to state parliament were abusing the trust of the people. I do not think that they are. The member also said that the original legislation had the overwhelming support of the community. That is just not true.

The member for Maryborough supported the ability of councillors to stand for parliament. I thought that he made a good contribution. The member for Mulgrave said that the original legislation brought uniformity. It does not. In fact, it makes things worse. The High Court had ruled that councillors could stand for federal parliament. The member for Toowoomba South said that if a poll was conducted as to whether or not people supported the move for everybody to resign from office before standing for election to council, the majority of people in Queensland would vote against it. I am sure that they would vote against that. But, of course, we have not even seen the wording of the question asked in the poll that the previous minister conducted, but I will tell members that I—

Mr Mickel interjected.

Mr DEPUTY SPEAKER: Order! The member for Logan will move back to his correct seat if he is going to interject.

Mr HOBBS: I am sure that we could tell this House exactly what the wording of the question was without even seeing it.

The member for Logan talked about a lot of things except the bill. He tried his hand at an Irish joke. It was not bad. I would give it seven out of 10, and that is pretty high.

Dr Watson: That's too high.

Mr HOBBS: The member for Moggill thinks that it should be less.

Mr MICKEL: I rise to a point of order. I feel grievously misrepresented by the honourable member. I never got that in my life. I will never be able to face my electorate again after getting that result from the member.

Mr HOBBS: Okay. I give the member five out of 10. The interesting thing is that he gave the member for Darling Downs a bit of a rubbishing. The member for Darling Downs is the type of person of whom the member for Logan is frightened. That is why the member for Logan brought this legislation into the chamber—to stop Independents running against members such as himself and others. Basically, Ray Hopper has done the sort of thing that the member for Logan did not want him to do. That is one of the reasons why this legislation is being debated in this House tonight. The next time there will be someone running against the honourable member.

Time expired.
