



Speech by

HOWARD HOBBS

MEMBER FOR WARREGO

Hansard 30 October 2003

LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL

Mr HOBBS (Warrego—NPA) (4.09 p.m.): Today I rise to speak to the Local Government and Other Legislation Amendment Bill. There are a number of issues in this bill that relate to local government that are important. This bill clarifies the discretionary power of councils to cap rates levied on properties that were not rated for all of the previous year and validates the resolutions of councils that have invoked the rate capping provisions. That instance probably does not arise a lot. But there may be instances of subdivisions when a new lot is created mid-year and therefore in the following year a council cannot place a rate cap on that particular block of land because there is not a previous 12-month period in which the land was rated. This will give more flexibility to local government. It is a sensible solution, particularly with all the development going on across-the-board.

A lot of rate capping is carried out today. We have heard the old debate over a long time in relation to unimproved capital value. The UCV is getting more and more out of whack with the whole rating system. There are some serious problems with using the UCV as a base for rate collections. One day we will have to resolve that issue. Rate capping is one of the tools that local government use, along with differential rating and other things, to try to iron out the problems we have with ratings. Many members in the House, including the Deputy Speaker, would be aware of rate rises that vary and of instances in which a widow or a widower has been left at home and suddenly find they are rated out of existence. This is a further tool that council can use to help iron out some of those problems.

The bill also removes the requirement for ownership consent for particular types of state land—unallocated state land, land dedicated as a reserve under the Land Act 1994 and land held under a licence, lease or permit under the Land Act 1994—when it is transferred to another local government area as part of an agreed external boundary change. This really only refers to very minor boundary changes that occur. When there is an agreement between both local governments and the land-holders, some of the delays are then in getting the consent of cabinet. I often wonder why it takes so long. It is probably the way bureaucracy works and the different departments involved. Local government has to then go to DNR and they then have to look at it. It is shuffled around and then they agree to it and then it finds its way into the cabinet bag. I guess it does take a while to go through the system. Now the state does not have to sign off on Crown land on a minor boundary change where all parties agree. That will certainly make it a little bit easier and maybe speed up some of the processes that have to be gone through.

The bill will also align the general disqualifications for councillors with those applying to members of the Queensland Legislative Assembly. That is a fairly interesting provision. When we look at the particular clause itself, we could talk about a number of issues. Some changes have been made to this over the years—I think in 1997 or 2000—and there are some more changes being made now. Clause 14 provides that a person is not qualified to stand for election to become a councillor if the person—

- (ii) has, within 7 years before the day of nomination, been convicted of an offence against—
 - (A) for nomination as a councillor of the Brisbane City Council ...
 - (B) for nomination as a councillor of another local government ...
- (iii) has, within 10 years before the day of nomination, been convicted of—
 - (A) a disqualifying electoral offence; or
 - (B) an offence that would be a disqualifying electoral offence, except that the conviction was recorded before the commencement of the Electoral and Other Acts Amendment Act—

and so it goes on.

There is probably not a great deal wrong with that. There is a view, though, particularly in relation to electoral offences, that there should be a longer period before a candidate can run for state local government. For instance, clause 14 states that a person is not qualified to become a councillor if—

- (d) the person is subject to a term of imprisonment or detention, periodic or otherwise; or
- (e) the person has been convicted, and not pardoned, of treason, sedition or sabotage under the law of Queensland; or—

...

- (i) has, within 2 years before the day of nomination, been convicted of an offence against the law of Queensland ...

Some people may say a longer period should be contained in that clause. Having a standard is probably reasonable under those circumstances.

The bill also removes the invalid Local Government Act provision for a councillor to vacate office on becoming a candidate for election to the Commonwealth parliament. This was a very contentious one, and still is. I, quite frankly, believe that the government did the wrong thing and it was put in place before this minister—

Mr Cummins interjected.

Mr HOBBS: The member was on the council as well.

Mr Cummins: That was on a platform when only one Labor councillor was elected.

Mr HOBBS: That is probably about right. That is exactly the point I make. In the past the majority of councillors who came into this parliament were, in fact, conservative.

Mr Cummins: Rubbish!

Mr HOBBS: They were, according to the professional figures. I guarantee it. Over the last 10 years—it is probably about 12 years now; the figures are a little bit old—there were roughly about 30-odd councillors and 60 per cent were conservative.

Mr Cummins: National Party Independents!

Mr HOBBS: I rest my case. The members opposite are endorsing what I am saying. In other words, at the time the government brought this legislation in, there was a one seat majority in the House. If they can stop one more conservative coming in, this is the way to do it and so they did it.

Mr Cummins: You would have stopped Peter Wellington if you could have.

Mr HOBBS: No, we would not. Our philosophy is that councillors should be able to go. I think it is a good training ground.

Mr Reeves interjected.

Mr HOBBS: It is part of the bill. The member should read it.

Mr Reeves: The federal part of it, not the state part.

Mr HOBBS: I rest my case. This is exactly the same clause that we are amending. It is part of it. All we are doing is taking out the bit about the Commonwealth parliament. It is the same clause. Is the member opposite nervous about me talking about these things?

Mr Reeves: No, I am not.

Mr HOBBS: I thought he might have been a little bit sensitive about it.

Mr Reeves interjected.

Mr HOBBS: The Chair is being very responsible and respectful with regards to the interjection from the member for Mansfield.

Quite frankly, I believe that the government was trying to rort the system and it got caught out. The Supreme Court, in fact, found that what it was doing in relation to the Commonwealth government was illegal. They had to do this. If they had any moral fibre at all, they would also stop councillors from running. There is no reason at all why it should have that restriction. Members opposite talk about the gerrymander from time to time. This is one of the gerrymanders of the Labor government and I think it is disgraceful.

By the same token, when the coalition gets back into government, it will be removing that restriction straightaway so that those councillors who want to run for state office can. This legislation also aligns the LGA requirements in relation to printed electoral advertising materials for local government elections with the requirements for state elections.

Mrs Miller: What does that mean?

Mr HOBBS: I will say it again for the member. The legislation aligns the LGA requirements in relation to printed electoral advertisement materials for local government elections with the requirements for state elections. I am not sure what happens in the council in the member's electorate

in relation to electoral advertisements, but some councils do not want electoral signs. This legislation says that political parties can have them and councils cannot put in place a local law to stop it.

Mr Cummins: To ban it.

Mr HOBBS: That is right. If a sign is put in the wrong place, such as creating a blind spot, it can be removed. The placement of the sign has to be suitable. I suspect that this amendment will probably benefit the ALP more than any other party. But it is one of those things that is probably reasonable enough. Candidates should be allowed to have electoral signs, provided that they are placed in reasonable locations. The legislation also clarifies that local governments cannot use local laws to prohibit election signage material.

The legislation also clarifies the scope of regulation powers enabling employees of entities other than local governments to be members of the local government superannuation scheme. As many members would know, a lot of councils are grouping themselves into ROCs. Some of the staff of councils have been moved into those ROCs. That allows those staff to continue to participate in their superannuation schemes. That is quite reasonable.

The legislation also restricts access to the related persons' register of interest. This is another interesting amendment. I think that there has been some abuse of this access in the past. I understand that the CMC even made mention of the fact that councillors have abused this access to a certain degree. But we have to have a balance. Currently, all councillors can look at all members' registers and related persons' registers. This bill says that, in the case of the Brisbane City Council, access to the related persons' register is restricted to the mayor, the Leader of the Opposition, and the chairperson of the council. In relation to any other local government, access is restricted to the mayor and the chief executive officer. In the case of the Brisbane City Council and other councils, access is also restricted to a person permitted by law to have access to information in the register or that person's agent. I think in the case of the Brisbane City Council that is reasonable, because we have defined political parties and a balance can be found.

In relation to state members of parliament, the related persons' register can be looked at by the Clerk, the Speaker, the Leader of the Opposition and the Premier. So there is regulation of the register. After all, the related persons are not the people who are elected to office; the members of parliament are the people who are elected.

The problem is that, in the majority of councils, there is not a defined political party structure. There is not a government and an opposition. In the case of councils, access to the register is restricted to the mayor and the CEO. If there is collusion between those two people, there could be some accountability problems. I believe that a bit more work needs to be done in relation to that matter. Until that issue is resolved, I do not think that we can support it. The opposition's view is that that makes the issue of access less accountable. We also want to make sure that people do not abuse the system. It is a balancing act, and I think that the government has gone too far. Maybe another member of the council, such as the deputy mayor, should be nominated so that at least there is a balance. I do not think that all members of the council should have access to the register, but I would like to see some amendment, if possible, to that provision. I will canvass that during the committee stage.

The bill amends the Workers' Compensation and Rehabilitation Act to allow a local government that is a licensed self-insurer to provide workers compensation coverage to councillors. I think that is a good amendment. That proposition has been on the cards for quite a while. The LGAQ has been keen to get that system going. I cannot see any reason why it cannot occur. It is one of those things where you wonder why it has not been done before. It is like everything else; it is just a matter of getting it up and getting it approved. Here we have it now, so it should be pretty good.

The legislation also amends the Central Queensland Coal Associates Agreement to bring about a transfer of ownership between the two Mitsubishi owned companies. That is just a bit of an add-on that is being done on behalf of the ministers who have responsibility for that. There are other amendments to the Local Government Act but, basically, they are just tidying up a few things that needed to be done. I support the bill in general, with the reservations that I have outlined.