



Speech by

Hon. Andrew Fraser

MEMBER FOR MOUNT COOT-THA

Hansard Thursday, 9 August 2007

LOCAL GOVERNMENT REFORM IMPLEMENTATION BILL

Hon. AP FRASER (Mount Coot-tha—ALP) (Minister for Local Government, Planning and Sport) (1.31 am), in reply: At the outset I thank all members for their contribution. I also take the opportunity to formally record my thanks to the seven members of the Local Government Reform Commission who I think undertook one of the more important tasks that has befallen any group of people in Queensland in living memory. The substantive report comprising the two volumes that they have produced is not only an affirmation of the skills, experience, wisdom and application to the task of those seven people but also, I believe, an affirmation of the process that was undertaken by the government to ensure that the sort of sensible and timely reform that was required for local government in Queensland was, in fact, achieved. I believe that this report that the Local Government Reform Commission has produced, and which the government is implementing in terms of its boundary recommendations lock, stock and barrel tonight, will stand on its own two feet for many years to come as evidence of the sort of policymaking and rational decision-making about the future of Queensland that was required in these circumstances.

I formally record my thanks to those seven people, in particular to Bob Longland, the former Queensland Electoral Commissioner and former Electoral Commissioner at the Commonwealth level; to Sir Leo Hielscher, the chair of the Queensland Treasury Corporation and a man who knows more about public finance in this state than anybody; Terry Mackenroth, the former local government minister; Di McCauley, the former local government minister; Bob Quinn, the former Liberal leader and member of EARC in the 1990s; Tom Pyne, the former president of the LGA and the former mayor of both Mulgrave and then the amalgamated Cairns City Council and an original opponent of amalgamations; and also to Kevin Yearbury who has served both sides of politics as a director-general.

I want to clear up a couple of substantive issues that were put forward in the debate tonight. While this debate was a passionate one, and we certainly saw a lot of passion during the debate tonight, there was, however, a distinct lack of substantive issues raised about the machinations of the bill during the debate given the primacy that has been placed on this debate over the last 13 or 14 hours. Those two matters that were raised related, firstly, to the composition of local transition committees. In that regard I clarify for the member for Nicklin that the local transition committee membership of community representatives will be totally at the discretion of the committee itself. It is not necessarily one representative; it may be more than that. But that is a matter that will be determined by the members on the local transition committee themselves. Secondly, in relation to the provision of intervention powers and oversight powers on behalf of both the minister of the day and also the CEO of the department, there was an issue raised by both the member for Nicklin and also by the member for Gladstone. I want to provide some commentary on the exercise of those powers and the way in which they are envisaged to operate. Members will notice that through the drafting of the powers we have adopted the caretaker provisions and the caretaker triggers that exist in the Local Government Act now which would enliven from the start of next year in the normal course of events. We have used those same trigger points but brought them back to this point—not as a trigger point that requires my intervention per se or my approval, but that the local government must notify me of a decision.

So it is not a permission-seeking exercise; it is not a fetter on their power. What it is is business as usual but where they do meet the threshold of either the greater of \$150,000 or one per cent of their general rates or there is an issue with their CEO, it requires a notification to me. It does not require anything beyond that. What it means is that as a government we are able to see circumstances where a council is perhaps acting beyond the pale and that means that that information is before us so that if we have to act we can. It is using the same trigger points that exist in the caretaker period but as a notification regime rather than an intervention regime at that point.

I acknowledge that the powers then do provide for resolutions to be overturned and so forth, but I believe that that is what the community expectation is: that if through that notification process there is clearly a matter that requires intervention, then those powers are necessary. But I do emphasise the difference at the outset.

I make particular mention of a number of government members whose contributions are worthy of note. In particular, the member for Cook gave one of the more forceful and passionate speeches that have been delivered in this place—at least in my short time here. I believe the conviction with which the member for Cook gave that speech is entirely worthy of anyone who wants to walk into this place and represent an electorate with passion. I certainly believe that what we are doing in relation to the Torres Strait—moving to have a regional level local government in the Torres Strait—will be an ultimate stepping stone for the ambitions of the Torres Strait. It is one part of the move by the government to implement the report that I think will go down in history as one of the more significant aspects. I acknowledge the member for Cook's utter determination and conviction that this not be the end point of reform in the Torres Strait but that this be the first point for the proud people of the Torres Strait whose legitimate aspirations should be more fully recognised in due course. This is clearly a step along that path and in no way the end point.

I also acknowledge the optimism of the speech by the member for Fitzroy. It is very easy in these circumstances, and we certainly saw it in spades during the course of this very long day here in the parliament, for people to invent imagined worst-case scenarios and to talk about an imagined reality. I believe that in all circumstances it is often the case that the actual reality is a very different thing from the imagined reality. Certainly it is the case, when one looks at the contribution from the member for Fitzroy, that he drew it back to the reality of life for all Queenslanders when he said that this provides great opportunity for many communities. I know that his advocacy in relation to the issues that have confronted many mining communities in his electorate and the pressures that are upon them is at the forefront of seeing real policy change and real attention within the government. I think his contribution gave great credit to his work as a member of parliament. He is well known by everybody in this place to be sincere and to never be shy about making sure that he always puts his community first. I think that his contribution to the debate provided further evidence of that.

The member for Redcliffe provided a grounding speech which really drew this whole debate back to the quick—that is, what defines a community. The member for Redcliffe rather eloquently set out what it is that is great about the community of Redcliffe. The fact is that there are many wonderful communities—and the member for Redcliffe drew a parallel with Wynnum—that have a great sense of belonging but do not necessarily have shire council chambers in the main street. That does not mean that those towns are any less communities than those places that do have it. We can look at places like Wynnum and Sandgate where my mother grew up. There is the old Town Hall in Sandgate. I know from visiting Sandgate regularly as a child that there is no way that Sandgate cannot be defined as a community with its own sense of place, history, knowing and belonging. I believe that with the change to the Moreton Bay Regional Council long will be the day that Redcliffe is recognised as a distinct community with its own shared history, its own ability to draw upon that shared history and a continued sense of community and belonging. Certainly while the current member for Redcliffe serves in this place I think we can be sure that that will forever be the case.

I would like to make particular mention of the notion of democracy which I think has been bandied around in this place tonight somewhat foolhardily. I would like to talk about what this bill achieves and what democracy actually means and requires. In my view democracy at a mature and robust level of government has three distinct elements. The first element is that there is independent boundary determination; the second is that the salary of those people seeking elected office is not set by those people in elected office but independently; and the third is that elections are conducted independently.

The facts of life for local government before this bill hit the deck in this parliament this week under this government were that those three elements were missing from local government. When this bill passes through the parliament later on tonight we will have true democracy in local government; we will have an independent boundary mechanism; we will have the salaries of people who are elected to local government determined independently; and we will have the Electoral Commission conducting the election.

Local government has long aspired to be recognised as the third tier of government, despite the fact that the Tories opposed that in the referendum in the 1980s yet walked back in here—

Mr Gibson interjected.

Mr SPEAKER: Member for Gympie, you have been here all day listening to my rulings. I ask you to withdraw the comments you just made.

Mr GIBSON: I withdraw the remarks.

Mr FRASER: The fact of life is that local government has long aspired to be recognised as a true and robust third tier of government despite the fact that the Tories, in their utter hypocrisy in the arguments they have advanced tonight, opposed that in the referendum in the 1980s. When governments aspire to be robust and true levels of government, that requires that they have independent boundary determination, that they have the salaries set by those people who are not the elected representatives and that the elections are conducted independently. Upon the passage of this bill tonight those three key elements will now be a feature of local government.

I think that represents not only a new chapter but a new dawning for local government in Queensland. It can rightfully aspire to be recognised constitutionally down the track as the third tier of government, and the hypocrisy of those opposite in trying to appropriate a notion of hypocrisy to their own arguments tonight fails the test of true intellect. I think it fails the test because they know full well that the notion of the referendum which they hold so dear does not apply to boundary determination at a state level, the notion of a referendum does not apply to boundary determination at a federal level and the notion of a referendum should not apply to boundary determination at the local government level. It only applied in Queensland since 1996 when the National Party in this state moved amendments to the Local Government Act to insert it. What its members never talked about through the whole debate—through the hours of this debate, despite my entreaty to the member for Southern Downs—was that when they put that referendum provision in the Local Government Act, not in the Constitution, not since time immemorial but only since 1996, they put in that dirty little subsection that they never talk about. They put in that little subsection which says that the minister of the day can overturn the referendum.

They want to pretend that they hold true and holy to this notion of the referendum. What they put in the legislation when they put that motion through the parliament was the dirty little subsection to reserve for their own minister of the day the ability to overturn a referendum. And they say that we are afraid of what the public would say about a referendum. Only three referendums have been conducted under those provisions since 1996. All three of those referendums were for de-amalgamation proposals. And how many of those referendums passed? The answer is none. The truth is that, when there have been three votes, the three votes said, 'No, we do not want to go back. We do not want to go back to the time of fragmented local government.'

We saw one of the more remarkable contributions from the self-important member for Robina who, by the way in the *Courier-Mail* on 2 May 1996 at the time he was mayor for the Gold Coast said that he believed most residents were starting to see the amalgamation process performing and that people did not want to return to the past. How unique it is that sometime later in a different place with a different set of compulsions and a different set of circumstances we see that the member for Robina adopts an entirely different approach.

While we are dealing with utter nonsense, let me talk about what the member for Mirani has been talking about for the last 24 hours. The member for Mirani, in one of the more stunningly stupid contributions that I have ever heard in public debate, has been trying to pretend that the enrolment letter he had provided the evidence that the results of the Local Government Reform Commission had been determined some time ago. He put on his own web site the letter that he was referring to. His suggestion is that the error that the federal Electoral Commission has today said was an administrative error—and therein lies the point. If it was in fact the case—this ludicrous notion that is advanced by the 'grassy knollers', by those people who respond to the sort of conspiratorial notions that see the type of debate that we have had here today—I point out that the AEC does this. That means that John Howard knew. If John Howard knew, why did the member not know? The answer is that that has to be one of the more stunningly stupid contributions in public debate matched only in my view by the outrageous claims by the LGAQ today in suggesting that this was somehow linked to the state redistribution. I think that both the member for Mirani and the LGAQ in their contributions today should hang their heads in shame at the notion that they are in any way contributing to proper public discourse in this debate. They responded with the sort of conspiratorial grassy knoll arguments that do this parliament and everyone who serves in it a great disservice.

I want to say that today truly is a historic day. This is a historic sitting of the parliament. It certainly is the case that in implementing the findings of the Local Government Reform Commission we are ushering in a new chapter for local government in Queensland. It certainly is the case that when you look through their report it is an affirmation of the independence and transparency of the process and how they provided for different courses of action in different parts of the state. I said from the start that, despite the fact at every point in time around the state it was denied, one size does not fit all, and certainly the result of the report says that one size does not fit all. There are different decisions for different parts of the state.

Members opposite all try to pretend that the terms of reference were narrow and could only lead to one result. We saw boundary alignments, amalgamations and councils left completely alone. I believe that the arguments to suggest that the terms of reference were anything other than enabling are falsely proven by that fact.

It is worth putting on the record that 36 councils had their boundaries untouched by the Local Government Reform Commission. It is also worth putting on the record that no council about which the independent Local Government Reform Commission made recommendations—and which we will pass into law tonight—is either greater in size or greater in number than the councils that presently exist. The argument to suggest that we are creating in some way unworkable councils by dint of population or area is denied by the fact that presently, on both counts, there are existing councils in this state that are larger in both area or size. The fact of the matter is that that disproves the argument at its base.

Members opposite have tried tonight and through the day to say that this is legislation that is typical of the Labor Party. I certainly believe it is—

Ms Bligh: Moving forward.

Mr FRASER: Absolutely; it is always Labor who are the reformers. It is always Labor in government, whether at a state or federal level, that is always prepared to undertake the difficult decisions to try to build new frameworks, to build new systems, to make the decisions that ensure that people into the future can have a great deal of confidence in the fact that they have a government prepared to front up and take the sorts of decisions that are not necessarily the most comfortable decisions for all of us, that are not necessarily the decisions that come without their waking moments during the night. These sorts of decisions that are taken by Labor in government, whether at a federal or state level, are the sorts of decisions that all of us who joined the great Australian Labor Party and sought to serve the people in Queensland in this place sign up for. We are here to make the decisions that provide for the future of Queensland.

I want to thank every single member of the government—all the other 58 members of the Beattie Labor government—who tonight are part of a historic sitting and are taking a historic step forward for the great reform that we are achieving in this bill. It has been my rare privilege to enjoy the support, the contributions and ability of all other 58 members who joined with me in this great journey to see this historic moment of reform achieved for local government in Queensland. This, I say to every other member of the government, is in fact entirely typical of the Labor Party, and we are proud of it.