



Speech by

**Peter Wellington**

**MEMBER FOR NICKLIN**

Hansard Thursday, 9 August 2007

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## **LOCAL GOVERNMENT REFORM IMPLEMENTATION BILL**

**Mr WELLINGTON** (Nicklin—Ind) (10.07 pm): I rise to participate in the debate on the Local Government Reform Implementation Bill 2007. One of the reasons given by the government for rushing this bill through parliament is that where the bill and the proposed new act require that the new councils are to have internal divisional boundaries the Electoral Commission must decide those boundaries by no later than 15 September this year. That is just over four weeks away. I understand this date was set because the government had earlier locked in the local government elections to be held on Saturday, 15 March next year.

I do not believe that there is any need for this rush of activity. It has been reported that the federal government has offered to assist with the holding of a referendum on the state government proposal where the local communities choose to have a referendum. I have made inquiries with my own federal member, Mr Alex Somlyay. His office has advised that the federal government's offer of involvement is not by way of a referendum but is an offer of a postal plebiscite over a period of one week and that voting will not be compulsory. I believe that the current scheduled date for the next council elections could have been postponed to allow the state government time to review the results of the proposed postal plebiscite before finalising the government's preferred positions.

Last Friday I travelled to Brisbane to receive a copy of the Local Government Reform Commission's recommendations and to listen to the Premier and the minister for local government outline the state government's response to the various recommendations. On Tuesday—just two days ago—the bill was introduced into this parliament. Today amendments have been tabled by the government including amendments which in substance will allow the government to sack local councils if councils propose to proceed with a referendum. Later this evening, in a few hours, we will be voting on this very important bill.

My electorate is covered by the Maroochy Shire Council and I understand that the Maroochy Shire Council Mayor, Joe Natoli, supports the Maroochy, Caloundra and Noosa councils being amalgamated as one. Yet my neighbours, Noosa residents, would prefer that they stay as a separate entity. There can be no doubt in my mind that the Noosa shire, under the leadership of Mayor Bob Abbot and earlier mayors, has over many years successfully demonstrated an ability to stand up and lead in a whole range of areas that I believe many other councils in Queensland aspire to.

I cannot support this bill. I cannot support the way the state government is threatening to sack local councils that may choose to conduct a referendum simply because their constituents want their council to have a referendum. I have received numerous submissions about the proposed amalgamation and I now table a copy of many of the recent submissions I have received.

*Tabled paper:* Bundle of documents making submissions relating to proposed amalgamations of local authorities.

Those submissions I have received are from Mayor Joe Natoli, Terry Reason, Mayor Bob Abbot, Wendy Guthrie, Pauline Summers, John Le Drew, Kevin Spencer, Ann Searle, Phillip Roslan, Peter Arch, Henry Drew, Dennis Brown, Chris Andrews, Derek Yarrow, Janet Southern, David and Heather Morton, Dan Mehonoshen, the Aramac shire, Charles Phillips, Tony Haslam, John Fraser, Gwen Jones and the

TWU. The reason I read those into the record is that I gave a commitment to those people that I would certainly table their submissions in parliament when I had the opportunity to speak on this important bill.

I do not intend to repeat many of the comments already made by other members during this debate, but I choose to progress to a number of other matters raised in the bill. In the minister's second reading speech he indicated that he will be introducing further legislative reforms to ensure that planning initiatives of areas with a unique combination of significant growth and iconic features are protected. Earlier we heard the Premier speak about this very important additional legislation which the government will be introducing. In this regard I draw to the attention of the minister and the government a letter I have received from the Montville Village Association. In substance the association has requested that the picturesque Montville-Flaxton area set in the magnificent Blackall Range in the Sunshine Coast hinterland be protected under the government's proposed iconic legislation. I table a copy of that letter for the benefit of all members.

*Tabled paper:* Letter, dated 7 August 2007, from Colleen Brady, Secretary, Montville Village Association Inc to Mr Wellington MP relating to iconic status for the Montville/Flaxton area.

By way of support for this request for the protection of this area, I draw the attention of the minister and the government to the range of matters which were last year canvassed by the Maroochy Shire Council and the state government when the Premier chose to exercise his call-in powers and overturn the Maroochy Shire Council's decision to approve the controversial Links development at Montville. I understand that at the time the Maroochy Shire Council approved this development it was contrary to the council's own town plan and also contrary to the advice of the council's own planning department.

I understand that later on that council then moved a motion directing its town-planning staff to come up with grounds to support its decision to approve that development. I also refer the minister to division 10 section 159ZW(1) which states—

A merging local government must not make a major policy decision in the transition period for the local government.

Subsection (3) states—

The Minister may, within 7 days after receiving notice of the making of the major policy decision, revoke the decision if the Minister is not satisfied that, having regard to exceptional circumstances that apply, it is necessary for the local government to make the decision.

I next take the minister to the definition section of the bill in which he refers to a major policy decision as including where a decision is made by the council—

To enter into a contract, other than a contract between the local government and the State or the Commonwealth, the total value of which is more than the greater of the following—

- (i) \$150000;
- (ii) 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report.

The reason I have referred to these parts of the bill is that the Maroochy Shire Council has recently purchased land on the outskirts of Nambour for the purpose of constructing a major landfill development. I understand that the Caloundra council currently has no long-term plan for the disposal of its waste. Over the recent months I have tabled numerous petitions in this chamber signed by many of my constituents opposing Maroochy Shire Council's proposed landfill site. Many people in my community are now even more worried that the proposed Maroochy council's new landfill site may become the destination of not only Maroochy council's future waste but also future waste from the Caloundra council as a result of the possible amalgamation of these councils. Can the minister please clarify that if the Maroochy council and/or Caloundra council proceed down this path that this bill gives him the power to intervene on this very important issue? Many of my constituents believe that, instead of having a number of landfill sites in the region, it would be more appropriate to have one regional landfill site away from closely settled areas.

I next take the minister to division 4 of the bill, which deals with transition committees for amalgamated councils, and in particular to proposed new section 159YR(4) which states—

The local transition committee may from time to time include on the committee, as voting members of the committee, other persons the committee considers are suitable to represent the views of the community within the new local government area.

On the Sunshine Coast the proposal is that Noosa, Maroochy and Caloundra all merge. I seek clarification as to how many members of the community may be invited to sit on the transition committee and exercise the full voting powers as a transition committee member.

I note clause 9 of the bill provides that no longer will local government councils be able to decide how much they get paid and instead councillors' and mayors' remuneration will be set by an independent tribunal. It is similar to the process currently used for determining the salary packages for Commonwealth and state politicians. I understand that this change will bring Queensland local government into line with most other Australian states, which have an independent body to oversee council remuneration.

I also seek the minister's clarification on the method of election that is to apply at next year's council elections where councils go to the polls with internal divisional boundaries. I understand the legislation sets out that, when a council with internal divisional boundaries goes to the election, the election will be

conducted on a first-past-the-post basis for the election of the mayor and councillors. Can the minister please clarify this in his final summing-up?

Finally, I realise that it is 10 past 10 at night and there are many more members who wish to speak and be involved in this debate. I simply say that I look forward to making further comments when this bill proceeds to the committee stage. I do reiterate that I cannot support the bill.