



Speech by

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LOCAL GOVERNMENT BILL

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (2.31 pm): It is my pleasure to rise to speak in support of the Local Government Bill 2009. I want to acknowledge the authoritative contribution by the shadow minister. The member for Warrego of course has been a local councillor. He was chairman of the Tambo Shire Council for seven years before entering this House 23 years ago. He understands local government, and I thank him for his valuable contribution.

This bill effectively rewrites the law pertaining to local government. Local government plays a vital role in our community. It is a \$6 billion industry and one of the largest employers in Queensland, with over 37,000 employees across 73 councils. In these tough economic times it is local government that is helping many Queenslanders get through.

The Constitution of Queensland recognises the vital role local government plays in maintaining peace, welfare and good government—the principles on which this colony was originally founded. The Constitution states that there must be a system of local government in Queensland. It allows the Queensland government to pass laws to determine the way in which a local government is constituted and the nature and extent of its functions and powers—hence, the Local Government Act.

Over the past few years it has been a contentious act, with recent amendments to the act carrying out the Labor government's forced amalgamations. As I previously mentioned, this bill rewrites the Local Government Act 1993. As such, many of the provisions of the act relating to the responsibilities and powers of local government are retained in this bill. The significant difference between the act and the bill currently before the House is that the new local government laws are far more principle based. Rather than setting down processes in meticulous detail, this bill removes many of the procedural rules in favour of principles.

Chapter 1 of the bill outlines these local government principles. Among them, councils should uphold transparent and effective processes and make decisions in the public interest. Councils should strive for sustainable development, management of assets and delivery of effective services. They should achieve democratic representation, social inclusion and meaningful community engagement, and at all times councillors must behave in accordance with their legal and ethical obligations.

The subsequent chapter sets out the powers and responsibilities of local councils. The powers of the federal government are in theory limited by the Constitution, yet state and local governments have residual and wide jurisdiction to make laws and regulations for the peace, welfare and good governance of our state. This bill delineates local government responsibilities. Local governments, along with the state government, are key service providers. Between us we manage the services that affect people's lives on a daily basis. That is why it is important that local and state governments work together to achieve good outcomes for Queenslanders.

The Liberal National Party has a proud history of working with local government. As I have mentioned, our local government shadow minister, the honourable member for Warrego, was a councillor for many years before entering parliament. The shadow Treasurer, the honourable member for Clayfield, was a Brisbane City councillor. LNP stalwart Vaughan Johnson was an alderman in the Quilpie Shire

Council. Steve Dickson, the member for Buderim, was a divisional councillor for the Maroochy shire. Jeff Seene, the Leader of Opposition Business, was the deputy mayor of the Monto Shire Council for four years, while Ray Stevens, the member for Mermaid Beach, was the mayor of both the Albert shire and the Gold Coast City Council. In March we welcomed to our ranks former Hervey Bay mayor, Ted Sorensen; the former deputy mayor of Redland City Council, Peter Dowling; as well as Aidan McLindon, the honourable member for Beaudesert, who was a Logan City councillor. We understand local government and we understand the vital role councils play in our communities.

One of the more controversial aspects of the bill is contained in chapter 5, division 3. Under the proposed law, the local government minister may unilaterally seek the suspension or dismissal of an individual councillor or dissolve a council if they reasonably believe a councillor or local government has seriously or continuously breached the local government principles. The Liberal National Party has a number of concerns about this. A recent newspaper report suggested that a Liberal National Party government would consider applying this power to the Gold Coast City Council. I want to make very clear that the comments that I made about the relationship between the state government and council were aimed at the operation of the Integrated Planning Act only.

I have long been on the record about the need to amend the Integrated Planning Act—a state government law and a principle espoused by the honourable member for Warrego in the lead-up to the last state election—and that we need to achieve a fairer system of processing applications under the act. The current laws, whilst passed with good intentions, in reality act as a deterrent for builders and developers, and small business operators and the mums and dads of Queensland, who are often employed by these people, seeking to do business in South-East Queensland and also in other areas of Queensland. At a time when governments are trying to stimulate growth, a simple inexpensive way of boosting our local economy and creating jobs would be to streamline the process for making development and building applications and to establish guidelines for infrastructure charges. This can only be achieved if the state government amends the Integrated Planning Act.

Councils do not have the jurisdiction to amend statutes. It is the state government's responsibility to ensure that our local economies do not lose out as a result of unwieldy laws. I am committed to securing the financial future of local governments and creating local jobs. Local governments currently face many challenges. Council budgets have taken a hit thanks to the global financial crisis, yet local government does not enjoy the same revenue income that state and Commonwealth governments do. Therefore, it is important that the state government assists councils in stimulating growth by renewing policies that hinder progress.

As I mentioned earlier, local and state governments are key service providers. It is important then that the state government and councils work together to deliver the best outcomes for Queensland. As such, the powers contained in chapter 5, division 3 of the bill should only be exercised lightly and only in the most serious circumstances. I note that the Local Government Association of Queensland argues that these powers should only occur on the recommendation of the Local Government Remuneration and Discipline Tribunal established by this bill. I note that the LGAQ made 45 recommendations on the initial bill, of which 33 have been implemented. I thank the minister for taking heed of this advice which will allow councils to get on with the job.

The Liberal National Party has serious concerns about chapter 6, part 2 of the bill as it pertains to conflicts of interest. The bill states that, if a matter comes before council in which a councillor has a material interest, the councillor must inform the meeting. This is not unreasonable. However, the bill provides for another councillor to question a councillor's conflict and to put it to a vote among members as to whether the conflict, perceived or real, exists. If council agrees there is a conflict of interest, it may exclude the member from the vote despite the fact that the alleged conflict is unproven. I am concerned this provision may be abused, particularly in partisan councils, whether official or unofficial. As the shadow minister has indicated, the Liberal National Party will be moving an amendment that will ensure this provision cannot be abused.

The other amendment we will be putting forward relates to the provision requiring councillors to vacate office upon being nominated for election to state parliament. As I mentioned earlier, there are many local government champions in this House from both sides of politics. While it is clearly appropriate that those councillors who are elected to the Legislative Assembly should resign from their council post, I cannot see why we should make life harder for those who have a go and are unsuccessful.

Finally, one of the concerns I have about this bill is that much of the detail will be settled by delegated legislation. During the last sitting week, this House recognised the contribution of the late Peter Connolly, the member for Kurilpa between 1957 and 1960. In my speech on the condolence motion I mentioned his maiden speech, in which he criticised the practice of delegating legislation to faceless bureaucrats. The people vest power in parliament, not public servants, to make laws. While I understand the practicality of doing so in these circumstances, I have some concerns about the process. The opposition has not seen the regulations, though we will be keeping a close eye on them. I hope the

minister will ensure local governments are properly consulted during this process and that members opposite do not use this as an opportunity to try to pass unreasonable laws under the radar.

Over the last few years, the relationship between the state government and councils has been tumultuous to say the least. A lot of goodwill was lost when the Labor government forced council amalgamations two years ago. The CMC investigation into the Gold Coast City Council also fractured the relationship between the state government and councils. Members opposite seem to be holding on to a suspicion that councils are doing the wrong thing. This is in spite of the fact that the Crime and Misconduct Commission found no basis for the allegations of misconduct and bribery.

This has to change. Local governments play a key role in our communities. It cannot be forgotten that our forefathers, the authors of our state Constitution, saw a real need for local government. Queensland is such a diverse state that we need councils to focus on the issues specific to their regions. The differences between Toowoomba and Townsville, Mackay and Mareeba, are more than geographical. I am hopeful this bill will be the catalyst the Bligh government needs to give local governments the recognition they deserve. As I have mentioned, we will be moving a number of amendments to the bill. Otherwise, I support the bill.