



Speech by


## Howard Hobbs

MEMBER FOR WARREGO

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### LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL

 **Mr HOBBS** (Warrego—LNP) (3.14 pm): I am pleased to talk to the Local Government and Other Legislation Amendment Bill. The bill before the House is a very important bill. I believe it is good legislation, it is necessary legislation and I thank the minister for quickly bringing forward these changes. The amendments are substantial. In the minister's second reading speech, he talked about having a watching brief on the impact of this legislation. It is very important that we continue to improve local government and ensure that our local governments are operating effectively and efficiently, and that they can do their best to provide services to their ratepayers.

Generally speaking, this bill clearly puts mayors and councillors back in charge of councils. That is important. The ratepayers and people who use the services of the councils need to know that they can talk to councillors and get things done. In the past, they could not do that. They were hamstrung by legislation that was really written to bind things up. It was process driven and it was not user friendly in relation to providing the real services that local governments are supposed to provide. The bill will give mayors the authority they need to take direct action for ratepayers, which means they will be able to get on with the job. Before, things were so bound up that it was quite extraordinary.

The bill will reinstate the body corporate status of local governments. Basically, the Beattie government removed that status to stop councils from taking up John Howard's WorkChoice agreements. That is what it was all about. However, the consequence of doing that was the enormous cost that was put onto the Local Government Association, for a start, which had to go through enormous change. It took months and months for the state government to finally agree to pay an amount of money towards what it was going to cost, but I doubt whether they ever paid the full amount. In the end, local government had to pay a certain amount of money, but an enormous amount of time and effort also went into the process. There were implications for insurance. We are so lucky that insurance claims have not been brought against councillors. Taking away corporate status meant that the responsibility rested with the people who signed the tender documents—that is, the mayor, some of the councillors and the finance chairman, perhaps. Under that arrangement, those people could have been liable. The Beattie government took away that status and I believe it did so recklessly and put local government in a lot of jeopardy.

The bill will restore clearer and fairer conflict-of-interest provisions for councillors. What they had before was unworkable and stupid. It was just plain stupid. It affected councillors who were members of local clubs or associations. Any councillor worth their salt is usually part of some such organisation. In smaller communities, they are all involved in the local clubs. In many instances, councillors could not vote on simple resolutions of council. In some places they even reduced the councils down to four. On a council that had only four councillors, they could all have been involved in some of the organisations, whether it be the rodeo, the pony club, Rotary or whatever the case may be. It was unworkable. This legislation will certainly make a big difference in that regard.

The legislation will better enable cooperation and the sharing of resources between councils by strengthening joint local government arrangements, and so it should. This should have been done before. These are commonsense things that should have been a part of the legislation. The bill will remove the

prohibition on councillors standing for election to state parliament. Many members might not be aware that this was brought in by the Labor government at the time because they had only a one-seat majority and they had to protect themselves. At that time, roughly—and these are rough figures—60 per cent of councillors who made it to state parliament were conservative. You do not have to be Einstein to work out that, with a one-seat majority, they wanted to reduce the odds of losing the next election. In other words, they rorted the system.

**Mr Bleijie:** Nothing new in that.

**Mr HOBBS:** There is nothing new in that; that is right. It is in their DNA. This at least puts it back to where it should be. They even tried to stop councillors running for federal parliament as well, but that was not provided for in the act. There was a court case on that, which they lost. This provision is righting a wrong.

The legislation will cut unnecessary red tape and the bureaucratic requirement for interference by the state government. We have seen local government basically bound up in red tape. That has been so unnecessary. This has led to delays and hold-ups. There were so many good councillors who lost at the last election because they were not effective and could not get things done. They tried their very best to get things done but they were pushing uphill to get done what their ratepayers wanted done.

The committee's deliberation of this legislation involved calling for submissions, of course. We heard the views of the public and the stakeholders. The committee system we have now is very good in so far as it does allow us to examine in detail the legislation before it becomes law. On behalf of the committee, I thank those individuals and organisations who lodged written submissions on the bill and the others who informed the committee of their views. The committee worked very hard on this legislation. I congratulate them for their hard work. The committee secretariat did a great job.

I now turn to the recommendations. I will not go through all of them because the minister has covered a lot of them. I would like to make mention of a few of them. I guess the most important one was that the committee recommended the bill be passed. I think that is a very significant recommendation. Overall we were very happy with the legislation. We looked at quite a few ways to try to improve it. As part of that process we were able to tease out some of the issues and the minister was able to come back to us and say, 'Yes, we agree with that' or 'No, we will not do that, but in the act it says this.' In other words, we were able to go through this legislation and make improvements. The minister has also said that he will be monitoring this legislation and looking at ways to make it better.

One of the recommendations related to party houses. We had quite a lot of debate on that in the committee. We talked about the issue of noise and antisocial behaviour. This is a real issue. Councils have a lot of difficulty in being able to nail down who is responsible in these situations. If there is a short-term tenant involved they are often gone after the party. The minister made it quite clear in his response. First of all, this legislation talks about noise and noise only. But there are provisions in other state laws that cover antisocial behaviour of occupiers of party houses. Local governments are therefore empowered to pass a local law that regulates both owners and tenants of a property. There are opportunities for councils to put in place mechanisms to alleviate or reduce the problems with party houses.

Road maintenance of local authority roads has been an issue for many years. This goes back to when I was chairman of a shire. There are many roads that are not maintained, but the council nevertheless has the responsibility to manage those roads. We recommended that the conflict between sections of the Local Government Act with regard to road maintenance be resolved. It was a recommendation that we just threw into the air because it is difficult. The minister has come back and said that the Department of Local Government will undertake to consider the issue of liability for unmaintained roads at a later time. That is particularly important because that is where councils have trouble. If a road is not maintained and a landowner decides to grade the road so that he can get his kids to school there can be potential problems. We need to sort this out down the track. I think we have made one important step towards doing that.

**Mr Johnson:** Down the dirt track.

**Mr HOBBS:** Down the dirt track, as the member for Gregory says.

The committee supports the right of councillors to undertake government employment while representing their communities as elected councillors, provided there is no conflict of interest—for example, a councillor employed in their own council. The government supported the view of committee. I think we need to recognise that in some of the smaller councils councillors do need to have other jobs. Quite frankly, my view has always been that we need to have people with a range of skills in councils. Being a councillor is not necessarily a full-time job unless they are in a very large council. I think we will get a good wide range of skills if we allow other employment.

Another issue that was raised with us was councillors being limited in their ability to request information for divisions other than their own. The government has supported our recommendation regarding this concern. We want to give power back to local governments and their councillors. They need these tools to be able to do their work. I think that is very important.

There were many other matters that we considered. Another is that we need to be able to ensure consistency between the terms of the Anti-Discrimination Act and the terms proposed to be used in the conflict of interest and the material personal interest clauses of the bill. The government has come back and said that, following discussions with and recommendations of the Office of the Queensland Parliamentary Counsel, it is of the view that there is no legal requirement for the wording of the bill to match the exact wording of the Anti-Discrimination Act. That is quite reasonable. I think there is quite a sensible argument in relation to that recommendation.

There are a number of issues that I would like to cover, but one is particularly important, and that is the development of budgets. In the past council budgets were prepared by the CEO with, quite frankly, fairly limited input from councillors. That is not really good enough. In this bill it says that it is to be the mayor. In other words, instead of the CEO bringing down the budget, the mayor will do it. We would like to see a consultative and collaborative approach to the preparation of the budget by the council. There is no reason why the councils cannot do that. Minister, I think we ought to keep an eye on this to ensure that councillors are involved.

**Mr Johnson:** It is part of the re-empowering process.

**Mr HOBBS:** It is part of the re-empowering process, as the member for Gregory says. There are some very strong mayors out there who want to try to run the show.

**Mr Costigan:** We used to have one.

**Mr HOBBS:** There we go. This is particularly important. We need to be able to monitor this and ensure that councillors have a real say in how their local government is responding to the needs of their ratepayers in terms of the budget.

Lastly, amendments to the Local Government Act will remove the prescribed residency and heritage qualifications of a person to be eligible to be mayor or a councillor in the Torres Strait Islander Regional Council. That provision was archaic and it should have been removed before. I thank the minister for the common-sense approach in that regard. Those laws were probably applicable many, many years ago but certainly not today.

There are a lot of other recommendations that the committee made with respect to this legislation. The real beneficiaries of this legislation will be community. The community will benefit because councils will be able to get on with the job. They will be able to provide the services that they have to. We have given them the tools of trade to make sure they can do their jobs efficiently.