




Speech By  
**Hon. David Crisafulli**

**MEMBER FOR MUNDINGBURRA**

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## LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL

### Introduction

 **Hon. DF CRISAFULLI** (Mundingburra—LNP) (Minister for Local Government, Community Recovery and Resilience) (12.43 pm): I present a bill for an act to amend the City of Brisbane Act 2010, the Local Government Act 2009 and the Local Government Electoral Act 2011 for particular purposes, and to make minor and consequential amendments of the acts as stated in schedule 1. I table the bill and explanatory notes. I nominate the Transport, Housing and Local Government Committee to consider the bill.

*Tabled paper:* Local Government Legislation Amendment Bill 2014 [\[5263\]](#).

*Tabled paper:* Local Government Legislation Amendment Bill 2014, explanatory notes [\[5264\]](#).

I am pleased to introduce the Local Government Legislation Amendment Bill 2014. The government's local government legislative reform program began in 2012 with the Local Government and Other Legislation Amendment Act 2012. That act began the process of erasing from the statute book the absurd one-size-fits-all approach to local government put in place by the former Labor government. Last year the Local Government and Other Legislation Amendment Act 2013 delivered another milestone on the road to empowerment of local communities and the local governments representing them.

The government went to the last state election with a clear platform to grow a four-pillar economy, deliver better infrastructure and better planning, revitalise front-line services for families and restore accountability in government. The government regards local governments as key players in the work necessary to achieving these goals. At the last election the government released the Empowering Queensland Local Government policy. The government has delivered on what it said in this document. Let me tick off for the record the local government reforms that have been delivered in this term:

- ensuring mayors and councillors are clearly in charge of their councils, tick;
- giving mayors, along with committee chairpersons and deputy mayors a voice on the appointment of senior executive employees, tick;
- allowing mayors to direct both CEOs and senior executive employees, tick;
- allowing local governments to hold voter polls to better inform council decision making, tick—

and we all remember why that power was removed from local government, and wasn't that a very, very dark day?—

- repealing the blatantly unfair requirement imposed by the Labor government that forced councillors standing as candidates for state parliament to automatically resign, tick;
- reinstating the body corporate status of local governments, tick;
- restoring joint local government arrangements so councils can share resources and cut costs for ratepayers, tick;

- significantly cutting red tape, saving councils money and manpower, for example, repealing the long-term community plan requirements, tick; and
- giving local people the choice about deamalgamation and consequently deamalgamating the local governments of Douglas, Livingstone, Mareeba and Noosa, tick.

Today I bring to the House the third critical component of reforms for local governments in Queensland, the Local Government Legislation Amendment Bill 2014. The bill delivers the final element of empowerment for local governments by giving local governments the choice to run their own quadrennial local government elections under defined circumstances and honours the Partners in Government Agreement signed by the state government and the Local Government Association of Queensland on 4 July 2012. The agreement provides that local government governance arrangements including electoral arrangements should, where appropriate, be consistent with those applying to the state government. Consistency between the two systems promotes certainty and clarity for the voters of Queensland leading into the next election. The government cares about democracy, and by that I mean the government cares about electoral fairness, transparency and accountability. That is why the bill has been developed only after Queenslanders were invited to share their views and make suggestions for improvements to the local government democratic process.

In November last year the government released the local government electoral act review discussion paper seeking community feedback on a number of issues and options for improvements to Queensland's local government electoral laws. The discussion paper was informed by reforms proposed to the state's electoral laws at the time and learnings identified by the local government sector and the Electoral Commission following the 2012 local government elections. Once again, the plea from submitters was for the government to undo the damage done by the Labor government's obsessive control of local government and for the government to return power to local decision makers. The bill delivers on that plea by empowering the chief executive officer of a local government to be the returning officer. Of key concern to local governments is the inflexibility of the current system, which prohibits them from making savings by using council assets, both human and material, for an election. From now on, making electoral decisions, for example, the simple decision of the location of a polling booth or deciding if savings are to be made by appointing local government employees or contractors to perform electoral duties, can be made by the CEO at the local level and without interference.

Let me assure Queenslanders that the bill maintains the integrity and impartiality of local government elections as the Electoral Commission of Queensland continues to have the overall responsibility for local government elections. The bill also continues to prohibit a returning officer from being a member of a political party. Of course, should a CEO be unable to undertake the role of returning officer, the Electoral Commission will have the power to appoint a returning officer. We have struck the right balance, and that is what good governments do.

To assist the Electoral Commission and CEO returning officers in performing their respective roles, a CEO returning officer is required to prepare an election plan for approval by the Electoral Commission. The Electoral Commission will work in consultation with the CEO returning officer in developing the plan. The Electoral Commission proposes to provide an information pack to CEOs which will include an election plan template, statistical information from the last quadrennial election, and information on staffing, polling booths and the last general return from the quadrennial election, which includes feedback on the logistical set-up of the election. This was proven during the last election as to why the need for local know-how is so very important. During my consultation across the state with mayors, councillors and local electors we were very disappointed when we heard stories of people turning up to polling booths but being unable to cast their democratic vote because the polling booth had run out of ballot papers. We had other situations where it was alleged that people turned up to cast their vote only to be told they had run out of ballot papers but if they wanted, their name could be crossed off a list.

**Mr Rickuss** interjected.

**Mr CRISAFULLI:** That is a great comment from the member for Lockyer. The whole process of the mail-out was, quite frankly, comical. We had a situation where some people received multiple ballot papers, some people received no ballot papers and some people received the wrong ballot papers. When you try to centralise everything in life it always ends in tragedy. That is the difference that divides this side of the House from the other. We believe that local decision makers can control their own destiny. We believe that, provided you put in place fair and balanced situations, good people will always make good decisions for their community because their community means

something to them. The idea of centralisation is a flawed concept and has been for many, many years.

Further, to ensure CEOs are fully equipped to perform their responsibilities, the Electoral Commission will provide the necessary training to CEO returning officers and local government appointed electoral staff. The bill also makes the following reforms specific to local government: changing voting for mayors in undivided local governments from first past the post to optional preferential so voting for mayors across all councils is the same and is consistent with the system of voting for members of the Queensland parliament.

Allow me to explore this. This pertains to councils that operate as undivided councils. For those members who might have only ever experienced councils that have divisions, I say that this is the process where there is a certain number of councillors that people can vote for and when people turn up to vote they can tick the box, however many. But when voting for a mayor, for some reason you are allowed to exercise a preference if it is a divided council, but you are not able to exercise a preference if it is an undivided council. I am confused. I do not understand why that could possibly be of benefit. We are not saying that people's vote will be invalid if they do not preference. We are not saying they have to preference. We are giving them the option to exercise that vote in the same way they have the option to do that for every single member who is sitting in this House today. They can just vote 1—

**Mr Stevens:** A true democracy.

**Mr CRISAFULLI:**—they can vote 1 or 2 or they can vote the entire ballot. As the member for Mermaid Beach quite rightly points out, that is as true a democracy as we will find. What voting should be about is allowing as many people as possible to vote and to, wherever possible, express their view in the best manner they can. I feel that if somebody has a particular aversion to an individual on the ballot paper in the same way that they may have a particular passion for someone on the ballot paper and they want to put that person first, they deserve the right to also put another person last. I think this makes a lot of sense and brings it into line with those councils that operate on a divisional set-up.

The bill also simplifies the voting rules in first past the post elections in undivided councils, aimed at reducing the number of informal votes. Allow me to express my view here. Let's say we have a council where six councillors are able to be elected and there are 12 people on the ballot paper. Currently, if I list one through to five, my vote is invalid. That is absurd. I may only want to vote for five and I am deprived of the ability to cast my vote and to show my voting intention, and that is silly.

**Mr Stevens** interjected.

**Mr CRISAFULLI:** Exactly. Surely we should have a situation where if somebody clearly gives their intent as to what they want to occur, we should facilitate that wherever possible.

The bill also introduces a cut-off date for a full postal ballot application and it declares the election results of mayors separately from other councillors. I am going to go into that one briefly because I know the Leader of the House has a particular burning interest in me discussing this, certainly for at least another four or five minutes. The reason why this provision is so very important is that often there will be a situation where the mayoral result is very clear very early. There is a clear mandate, a clear majority. Somebody wins on primary votes, bang! That person is unable to hit the ground running, to get their feet under the desk, until the declaration of all of those councillors. I do not think that is a good set-up. I understand the need for the process of the declaration of councillors to continue; that is fair and reasonable and that process should take the time that is needed. If that involves the flow of preferences in a division, that is very important and the time should be taken. However, the prospect of somebody being given a mandate from their community, a strong mandate, and having to stand on the outside looking in as though they are some sort of imposter is bizarre. They should be able to be declared, get in there, talk with the senior staff and outline the agenda on which they ran. We in Queensland have separate elections for mayors and councillors. When people elect a mayor, they know what he or she stands for and they should be given the opportunity to go in and say, 'Notwithstanding the fact that my group of councillors, whoever they may be, will operate as a good and strong board to set the vision'—the mayor is first amongst equals of his or her council. The mayor is still elected on a platform and still deserves the right to be able to get in and start working in that organisation.

The bill makes the following amendments to align with the state's electoral laws—and I acknowledge the work of the Attorney-General in that regard. It allows a candidate's nomination deposit to be refunded before lodging a gift return. It changes the roll closure from 31 January in the year of the quadrennial election to five to seven days after publication of the candidate nomination notice. I say to the Leader of the House that I have to start hurrying now. Without amendment, the roll may be more than two months old at the time of the election in March, potentially disenfranchising a number of voters. Again, we want to make sure that everyone who wishes to vote can. It also allows people to vote whose names are not on the roll but are entitled to be enrolled if they notify the Electoral Commission no later than 6 pm on the day before the polling day. It introduces a register of special postal voters to automatically receive postal ballot material. It is great to have the member for Gregory in the chamber. His constituency relies very heavily on that. Special postal voters may include silent electors, distance electors, religious electors, overseas electors and voters who need help voting because of disability, motor impairment or insufficient literacy levels. It allows the Electoral Commission to direct a recount of votes. It increases the maximum penalty of one year imprisonment to seven years imprisonment for giving false or misleading information to a returning officer or the Electoral Commission.

The House has recently passed state electoral reforms which, when combined with this bill, will ensure that Queensland's electoral systems operate with the highest integrity, are systems people can rely on and are modern, up-to-date systems that encourage participation in the political process by all Queenslanders. Unlike the Labor government, which incompetently neglected local government electoral laws when making changes to state laws, this bill seeks to align the two systems—and long may that continue—so that Queenslanders have one set of rules when they go to exercise their democratic rights.

The bill adopts the following reforms made recently to the Electoral Act—

**An honourable member** interjected.

**Mr CRISAFULLI:** I cannot. I am running out of time. Those reforms include: increased access to postal voting, regulation of how-to-vote cards, electronic voting and proof of identity when voting. The explanatory notes to the bill detail the application of the reforms at the local government level. The introduction of electronic voting and proof of identity requirements will be implemented at the local government level following implementation at the state level. Finally, the bill amends the City of Brisbane Act 2010 and the Local Government Act 2009 to clarify that a councillor who is subject to a suspended sentence is disqualified from being a councillor immediately. Mr Deputy Speaker, you will note that sensible reform is the legacy of this bill. I commend the bill to the House.

### **First Reading**

**Hon. DF CRISAFULLI** (Mundingburra—LNP) (Minister for Local Government, Community Recovery and Resilience) (12.58 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Transport, Housing and Local Government Committee**

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Transport, Housing and Local Government Committee.