



Speech By  
**Hon. David Crisafulli**


**MEMBER FOR MUNDINGBURRA**

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## **LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL**

### **Second Reading**

 **Hon. DF CRISAFULLI** (Mundingburra—LNP) (Minister for Local Government, Community Recovery and Resilience) (9.05 pm): I move—

That the bill be now read a second time.

I am pleased to stand in the House to read the Local Government Legislation Amendment Bill 2014. Since the government came to power in 2012, the delivery of critical local government reform has been comprehensive, planned and systematically implemented after years of neglect. In just 2½ years the government has achieved what successive Labor governments failed to do for over a decade.

Before the last election the government released the Empowering Queensland Local Government policy, which clearly set out for all Queenslanders the government's blueprint for local government reform which contains no surprises, but a detailed plan with a vision that goes well beyond the next election to ensure that Queensland local governments are, and continue to be, autonomous, sustainable, efficient, responsible, accountable, and responsive to local needs.

A critical element of the government's Empowering Queensland Local Government election policy was to give local governments the choice to run their own quadrennial local government elections under defined circumstances so that electoral decisions can sensibly be made at the local government level. With the passage of the bill, the government will empower the CEO of a local government to be the returning officer of a local government election. Simple electoral decisions, such as 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, will be made by the CEO at the local level.

In my introductory speech I detailed the key local government electoral reforms that the bill delivers and I do not intend to repeat those details here today; however, you will recall that the bill aligns the Local Government Electoral Act 2011 with the Electoral Act 1992 to implement electronic voting and voter identification. For the Stafford by-election the Electoral Commission set up special eAssist kiosks to enable vision impaired electors who require assistance to cast their vote independently and in secret. The eAssist system allowed voters to mark and print a ballot paper by following audio prompts.

In relation to voter identification, contrary to the patronising predictions that Queenslanders would struggle with remembering to bring along proof of identity on voting day, the Electoral Commission has advised that only 202 uncertain identity declaration votes were issued for the Stafford by-election compared with 21,764 voters who had no problem with proving their identity.

I now turn to the Transport, Housing and Local Government Committee's report on the bill. The government has carefully considered the submissions and the committee's report on the bill, tabled in

the House on 18 August 2014. In reply, I am pleased to table the government's response to the report.

*Tabled paper:* Transport, Housing and Local Government Committee: Report No. 50—Local Government Legislation Amendment Bill 2014, government response [\[5765\]](#).

The committee made seven recommendations of which the government supports three, including the first recommendation for the bill to be passed. I thank the committee for its recommendation that the bill be passed and I thank in particular the chair of the committee, the member for Warrego, Howard Hobbs, for its timely and thorough consideration of the bill.

The government does not support the committee's second recommendation to amend the bill so that the CEO cannot withdraw from being the returning officer without the council resolving to support the CEO's withdrawal notice. The government considers that the CEO's decision to withdraw from the role of returning officer must be an independent one. The local government electoral reforms evidence the government's commitment of returning autonomy to local governments to make electoral decisions suitable to local needs, but autonomy must be balanced with appropriate levels of accountability and transparency. The bill delivers the appropriate level and a fine middle ground.

The government supports the committee's third recommendation to outline here today the steps that I and the Department of Local Government, Community Recovery and Resilience intend to take to ensure that voters in mayoral elections in undivided local governments are aware of the different ballot papers and vote-counting methods to be used. The bill continues to provide for the Electoral Commission of Queensland to be responsible for the overall conduct of local government elections. That responsibility includes educating the electorate to ensure voters are fully informed about how to cast a formal vote and how votes are counted using the optional preferential or first-past-the-post systems. The Electoral Commission will continue to provide instructions to electors on the ballot paper on how to cast a formal vote by way of polling staff but, sensibly, the responsibility for vote counting remains with the experts at the Electoral Commission.

As detailed in the explanatory notes, the Electoral Commission will carry out educational programs and training for electoral staff, including training for CEO returning officers. These changes also align with voting provisions at a state level and allows for a vote to be formal, whether the person chooses to vote 1 or by providing their preferences.

The government supports the committee's fourth recommendation to amend the bill to retain the current requirement for an elector to vote for the number of candidates to be elected in undivided local governments using the first-past-the post system. The bill proposed to simplify the voting rules in first-past-the-post elections by giving electors the option to vote for less than the number of councillors to be elected, up to, or for more than the number of councillors to be elected if sequential numbering is used. The bill proposed to reduce the potential for casting an informal vote and to allow electors to show a clear intent, including a clear intent not to vote for a particular candidate.

However, the government acknowledges the committee's concerns about the impacts the proposed changes may have on the outcome of elections if a majority of electors choose to vote for less than the number of councillors to be elected and recognises that the proposed changes could potentially inadvertently encourage electors to 'just vote 1', which may lead to unintended electoral consequences. The committee put forward sensible suggestions. We have listened. Accordingly, I propose to move amendments during consideration in detail which will give effect to the committee's recommendation 4. I thank the chairman for that suggestion.

The government does not support the committee's fifth recommendation, to remove from the bill the automatic disqualification of a councillor who is serving a suspended sentence, consistent with the provisions applying to members under the Parliament of Queensland Act 2001. The government considers that it is not appropriate to compare local government legislation with the parliament in this respect as local government does not have the same powers as parliament to deal with misconduct of members. For example, the Legislative Assembly has the power to deal with a person for contempt of the Assembly, including the power to fine the person and impose imprisonment on the person in default of payment of the fine. Let us be perfectly clear about the severity of offences for which a sentence may be suspended. We are not talking about non-custodial sentences, where penalties do not include time in prison. A custodial sentence involves going to prison. If a person is sentenced to up to five years in prison and has a conviction recorded, the court may suspend all or part of the sentence for a set period. The government considers that a councillor's ability to demonstrate high ethical and integrity standards is compromised if the councillor is found guilty of an offence and sentenced to a term of imprisonment, even if the sentence is suspended.

In response to the committee's sixth recommendation—for the legislation to be reviewed with a view to providing appropriate powers to all local governments to deal with misconduct—as I

mentioned earlier, the government has undergone a comprehensive, planned and systematic reform of local government. The first bill I presented to parliament was about empowering local communities and local governments representing them. However, with this increased responsibility comes increased accountability. We have introduced a new offence for insider information—I know that that is exciting a couple of my colleagues; thank you for your interest—that carries a maximum fine of \$113,850 or two years imprisonment and have increased the penalties for those who deliberately fail to update their register of interests. As I have said previously, we will continue to review the Local Government Act; however, the focus of this act was to amend the electoral provisions.

The final recommendation of the committee is to change the bill to provide that evidence of a failure to vote without a sufficient excuse does not include the failure to provide the Electoral Commission with the appropriate form by the required date. The failure to provide the form is only one piece of evidence used by the courts to establish whether a person failed to vote at the election without a sufficient excuse. The bill merely seeks to rely on the same evidentiary requirements that apply at a state level, and that is consistent with many of the changes today.

The government has recently heard from 80,000 Queenslanders participating in the development of the Queensland Plan, recognised as the largest community engagement activity of its kind in Australian history and one of the largest in the world. Isn't it amazing how you can get the member for Glass House interested all of a sudden? The Queensland Plan is a shared 30-year vision for the state that goes way beyond the next election and plans for local government to continue to invest in local communities into the future as we strive to make Queensland Australia's most resilient state.

In closing, I would like to thank those who made submissions on the Local Government Electoral Act Review discussion paper—46 submissions in all—and thank those who made submissions to the Transport, Housing and Local Government Committee. I greatly appreciate the time and effort taken by everyone to communicate their concerns and suggestions on the discussion paper and subsequently on the bill. I would also like to thank the Electoral Commission of Queensland, the Local Government Managers Australia, Queensland branch, and the Local Government Association of Queensland for their advocacy for improvements to the local government electoral system and for their open and constructive partnering with the government to ensure the interests of local communities are represented.

Finally, I would like to thank officers from the Department of Local Government, Community Recovery and Resilience, in particular Bronwyn Blagoev and Josie Hawthorne, for their fearless and frank advice and, indeed, officers from the Queensland Parliamentary Counsel for their work in developing the legislation. As the minister I am very proud to serve the people and I am proud of the achievements of the government in delivering local government reform. I commend the bill to the House.