



Speech By  
**Glenn Butcher**

**MEMBER FOR GLADSTONE**

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Record of Proceedings, 3 June 2015

**LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr BUTCHER** (Gladstone—ALP) (10.39 pm): I rise to speak on the Local Government and Other Legislation Amendment Bill 2015. The bill has three policy objectives: amending the Local Government Electoral Act 2011 to remove the mandate for a local government chief executive officer to be a returning officer for a local government election; deferring the commencement of chapter 2, registration, of the Heavy Vehicle National Law Act 2012 until 1 July 2018; and extending the operation of the Queensland Reconstruction Authority after 30 June 2015 to ensure that communities affected by recent Tropical Cyclone Marcia receive assistance in rebuilding and recovery. This is the first occasion I have spoken on a bill that has been reviewed by the Infrastructure, Planning and Natural Resources Committee, of which I am a member. I wish to thank the other committee members and those who briefed the committee, provided submissions and participated in the inquiry. In particular, I acknowledge the invaluable assistance provided by the Department of Infrastructure, Local Government and Planning, the Department of Transport and Main Roads and the Queensland Reconstruction Authority. I acknowledge the work of committee members in the preparation of the report. I am confident that all members of the committee would agree that, despite some differences of opinion, we worked hard to make sure that the committee was able to table a report in this House.

I thank the committee secretariat staff who guided the committee through the review of the bill and provided all avenues to investigate aspects of the bill before us tonight. I know that the secretariat team worked incredibly hard to make sure that the points of view of government, opposition and crossbench members were shown in the report. Although members of the opposition had reservations about aspects of the bill relating to the Local Government Electoral Act 2011, particularly regarding a local government chief executive officer acting as a returning officer, those views were noted and included in our report.

The majority of the committee supported the amendments, with the intention of increasing the transparency and integrity of local government elections. The only way to ensure complete transparency in the election process is to ensure the election authority is at arm's length to those seeking election. The Queensland Electoral Commission not only has the experience of running elections, but also offers councils separation between candidates and the local authority for which they have nominated. By placing the responsibility of the returning officer on the Electoral Commission, voters can be assured that the person making decisions is, without a shadow of a doubt, the most appropriate person for the job. In some cases, that person may well be the council's chief executive officer, particularly in rural and remote parts of the state. However, for the majority of Queensland council electorates, the Electoral Commission of Queensland will be able to fill those roles with people not otherwise connected to or employed by the local authority. This amendment is not an attack on the credibility of councils or council CEOs; it is quite the opposite. This amendment acknowledges the importance of the chief executive officer's first priority, which is to help the council and councillors govern effectively.

The Palaszczuk government has made a commitment that local government elections will be run to the same high standard of independence and efficiency as state and federal elections. The bill ensures that a local government chief executive officer cannot be the returning officer for a local government election unless the chief executive officer is the only person reasonably available in a community to perform that role. Sensibly, the bill provides for an exception to be made in smaller communities if the local government CEO is the only available person with the necessary experience in conducting local government elections. In those instances, the CEO is appointed the returning officer by the Electoral Commission and, therefore, is under the direction and the authority of the Electoral Commission, ensuring the impartiality and integrity of the local government election is protected.

Queenslanders are entitled to have state and local governments that are accountable and open, according to the principles of the Westminster system. As CEOs of local governments work closely with elected mayors and councillors when carrying out their duties, a chief executive officer performing the role of a returning officer presents a potential conflict of interest, especially where incumbents are recontesting an election. It is also of interest that during the briefing process it was stated that whilst the CEO is being paid by the local council that same person may also be paid by the ECQ. One of the major issues identified during the committee hearings was the costs associated with the ECQ conducting local council elections. During the hearings I was pleased to hear that the department, the ECQ and the LGAQ are working together to determine how election costs can be reduced for local governments. I believe that local government is the level of government closest to our communities. Every day, local government affects the lives of Queenslanders and is a genuine partner in the Australian government system. As such, its elections should be aligned with the same high standards of integrity and independence as state and federal elections.

In relation to the parts of the bill regarding the Queensland Reconstruction Authority, I am proud that the Labor government has made a commitment to the people of Queensland to keep the Queensland Reconstruction Authority in existence after 30 June 2015 to protect disaster recovery infrastructure built over the past five years. The bill repeals the sunset clause of 30 June 2015 from the Queensland Reconstruction Authority Act 2011 to ensure that the Queensland Reconstruction Authority can continue the critical work of helping communities effectively and efficiently recover from the impacts of natural disasters that have devastated Queensland over recent times, including severe Tropical Cyclone Marcia, which affected my electorate of Gladstone.

On a local level in my electorate, Tropical Cyclone Marcia caused minor damage to 35 properties, moderate damage to seven properties and severe damage to seven properties. Most of those properties were on the outer edge of my electorate. During the event, the Queensland Reconstruction Authority put an officer on the ground in my electorate to ensure that there were clear lines of communication from day 1 of the cyclone. It was also pleasing that, during a very busy period, the CEO of QRA was in contact with the local council to ensure that they were consistently updated during the recovery period. In my electorate, the total bill for repairs and other works ran into many millions of dollars and around 2,000 man-hours were worked during and after the cyclone, including many hours clearing trees from roads, particularly in and around Mount Larcom and the surrounding area. It was well accepted by all in the electorate that the Reconstruction Authority was able to give vital support to our local government to assist residents on the hard and heartbreaking road back to normal life.

During Tropical Cyclone Marcia, the QRA put an officer, John Tuxworth, on the ground so that the council had clear lines of communication from day 1. In the days after the cyclone the council was also in direct contact with the CEO, Frankie Carroll, so they were fully informed at all times. In comparison to Tropical Cyclone Oswald, one of the reasons that the works contracts are being prepared a lot quicker is due to the direct hands-on involvement of the QRA. From the outset, the involvement of the QRA has helped the Gladstone Regional Council to ensure that the community is recovering in the quickest possible manner.

The Queensland Reconstruction Authority administers the rebuilding program for natural disaster relief and recovery arrangements for activated disaster events and works closely with local governments to ensure the effective recovery of Queensland communities. The work of the authority is integral as Queensland deals with natural disasters and moves from response into recovery. Many Queenslanders, including those who live in the country areas of my electorate, are going through traumatic times as a result of natural disasters. The extension of the Queensland Reconstruction Authority is recognition of the fact that, unfortunately, natural disasters are a common fact of life in Queensland and we need to be consistently ready to prepare, respond and recover after those disasters.

Fortunately, there were no fatalities as a result of Tropical Cyclone Marcia. However, the destructive winds, heavy rainfall and flood events continue to have catastrophic effects on many Queensland communities, particularly those in state electorates neighbouring mine, including Rockhampton and Keppel. I make special mention of the member for Keppel, Brittany Lauga, who is not in the House at the moment, who worked tirelessly during the cyclone event. She continually kept her electorate updated on ways to receive funding and consistently provided updates on the power supply to her area. The scale and scope of damage saw the activation of the NDRRA in 14 local government areas, not only Rockhampton, Livingstone, North Burnett and Banana, but also North Mackay and south to the Sunshine Coast. The Palaszczuk government acknowledges that many Queenslanders are continuing to face the uphill battle of getting their lives back to normal. With the passing of this bill, we can guarantee that the government's help and assistance is ongoing and that those people will not be forgotten.

The third part of this bill is the amendment to the Heavy Vehicle National Law Act. It is to ensure that the unproclaimed provisions of the act that relate to heavy vehicle registration do not automatically commence ahead of the implementation of a national heavy vehicle registration system.

The committee found that the national registration scheme for heavy vehicles will not be ready to commence in participating jurisdictions by July 2015. The delay in commencement will allow for all outstanding matters under the scheme to be addressed prior to implementation. In March 2015 the Transport and Infrastructure Council voted to delay the commencement of a national heavy vehicle registration system until 1 July 2018. The council also sought Queensland government support as the host jurisdiction for this important national reform to make the necessary amendments to the Heavy Vehicle National Law Act 2012. The committee supported the proposed amendment to extend the commencement date to be fixed by proclamation or by 1 July 2018.

The bill amends the Heavy Vehicle National Law Act 2012 to provide for the consistent regulation of heavy vehicle operations across most of Australia and establishes the National Heavy Vehicle Regulator to administer the national law. Queensland is the host jurisdiction for the Heavy Vehicle National Law Act and, as such, the Queensland parliament must first pass amendments to the legislation before they can be applied by the other participating jurisdictions.

The Heavy Vehicle National Law Act 2012 established a single national system for the regulation of heavy vehicles and is a cornerstone of the Council of Australian Government national vehicle reform agenda. The Heavy Vehicle National Law commenced on 10 February 2014 and was developed to ensure that the heavy vehicle industry can operate across all borders without the impediment of conflicting regulatory requirements. This bill represents the strong progress that continues to be made towards the harmonisation of heavy vehicle legislation across Australia and the reduction in red tape for the heavy vehicle industry.

As stated at the start of my speech, I am grateful for the opportunity to sit on the Infrastructure, Planning and Natural Resources Committee and to speak in favour of this bill tonight. I commend the bill to the House.