




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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**LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr HART** (Burleigh—LNP) (9.58 pm): I too rise to add to the debate on the Local Government and Other Legislation Amendment Bill 2015. Firstly I thank my fellow committee members and the committee staff for their cooperation. As the member for Mirani said, at times we did not always agree but we remained respectful of each other's views. As a committee we unanimously agreed that the amendments to the Heavy Vehicle National Law Act 2012 and the Queensland Reconstruction Authority Act 2011 would be supported, and I will shortly touch upon the reasons why.

I made a statement of reservations to the committee's report, and I would like to take this time to further outline some of the concerns I and my parliamentary colleagues share about those aspects we do not agree with. It seems to me that Labor's intent for this bill, first and foremost, is to undo legislation put in place by the former LNP government in 2014. That legislation by default made the CEO of a local government the returning officer for local government elections. The ECQ still provided safeguards under the legislation to ensure transparency and accountability. Before Labor's amendments after the 2004 election, the local government chief executive officer was always the returning officer for elections being conducted by the respective local government. After this point, costs to be borne by local government, and in turn ratepayers, skyrocketed by centralising the elections with the ECQ. At this time I think it is appropriate to have a look at the history with respect to local government elections.

From 1939 to 2004, local government elections were conducted by the relevant local government. The local government chief executive was in fact the returning officer for elections. 2008 was the first time in Queensland history that no local government conducted their own elections and, subsequently, the first time the CEO was not the returning officer, being replaced by the Electoral Commissioner. The chair of the committee, the member for Mirani, said in his contribution that for years there had been no integrity in the system and that people wanted to see integrity. In fact, from 2008 the ECQ was in charge of all local government elections, so the comment by the member for Mirani is a surprising one. I like the member for Mirani but I think he is a little off track there. When these changes took effect under Labor, the LGAQ said—

Whilst this action was aimed at clearly demonstrating electoral probity and confidence to the community, over a century of tradition and satisfactory service by local Returning Officers has come to an end.

At the time of the 2012 quadrennial election, the ECQ had been empowered to appoint a person other than themselves to be returning officers, excluding minors, party affiliates and council CEOs. However, if the CEO was the only reasonably available person then they would be appointed as the returning officer, provided they were not party affiliated. This clause meant that 12 out of 73 councils would have their CEO act as the RO.

In 2014—in fact, it was fairly late in 2014—changes to those acts reverted to the CEO being the default returning officer unless they were party affiliated. They could be withdrawn by the ECQ if the ECQ felt they were not capable of doing the job or it was inappropriate for them to do the job. What we are seeing in 2015 is just a complete reversal of that situation. Now the CEO cannot be a returning officer unless there is no other suitable person. Then the ECQ can in fact appoint that returning officer. They seem to think there will be some CEOs of local government who will in fact be returning officers at the next election.

**Madam DEPUTY SPEAKER** (Ms Grace): Order! Member for Burleigh, I note that you have been given 10 minutes on the clock. You are the deputy chair of the committee so it should be 20 minutes. When the time on the clock has expired we will give you another 10 minutes.

**Honourable members** interjected.

**Madam DEPUTY SPEAKER**: Order! Only if you need it, of course, member for Burleigh.

**Mr HART**: It is a bit late, Madam Deputy Speaker, so I hope not to take 20 minutes, but you never know.

The committee heard from a range of stakeholders at public hearings and briefings. It is worth just highlighting some of the contributions made. The LGAQ actually said that local governments should be given the choice as to who runs their elections. That was their position in 2014 when they supported the previous government's amendments to this particular legislation because they wanted to actually see some reductions in cost to their councils. This time they have changed that position on the basis that the department has given an undertaking that they will endeavour to reduce fees. We did ask that question during the consultation and those discussions have actually not yet started taking place. One would hope they would start to take place soon.

There are a lot of things that could be done to cut costs. One of the interesting things we heard is that if a CEO is a returning officer hired by the ECQ then that CEO may in fact be paid twice—by the local council as CEO and by the ECQ as a returning officer for the time of the election. That has to add some cost to local government. We also know that a lot of the polling booths used on election day are council facilities—libraries, halls, state schools and those sorts of places. You would think it would be a lot cheaper for a local government to utilise their own facilities rather than have the ECQ hire that facility from them and then charge them for that availability.

We did hear from Logan City Council, but the member for Maroochydore covered that in her contribution so I will skip over it. A lot of stakeholders came in and had a chat to us—from local councils to the ECQ and LGAQ. We asked them all very similar sorts of questions.

The 2014 LNP changes, which made the local government CEO the returning officer by default, which came into effect on 1 January this year, have not been tested. We have not actually had a local government election since the situation changed and the CEO of a local government was the returning officer, so we have no idea whether this would have saved money for local governments. After all, the intention was to save money. The change we made on the basis of saving money for local governments during their elections has not been tested, so basically that position has been reversed just on a whim.

During the briefing we actually asked the department—I note that one of the officers is present—why this was being changed and what evidence they could provide to justify it. The explanatory notes to the bill indicate that this is a matter of integrity—that there is some thought that the CEO of a local government may be conflicted in some way. I asked the departmental officers if they had heard of a CEO being conflicted or whether a CEO had ever been removed from the position of RO. The information I got back was that they had not heard any of that. At every hearing I asked every submitter if they had ever heard of an instance where a CEO was conflicted, there was an issue or there was a worry that an election may not have happened the right way, and the answer was no. Then I asked the department: given that, why are we making this change? The answer was that this is government policy. That is it: 'It is government policy. The government has told us to do it. That is why we are doing it.'

**Mr Crandon**: Just like the water meter stuff.

**Mr HART**: Yes. There is absolutely no other reason. It is government policy. To quote the department—

The change is as a result of government policy. It is a change we have been asked to implement.

As we have heard, over the last few days other government policies have been implemented.

**Mr Crandon**: Like the water meters.

**Mr HART:** I take the interjection from the member for Coomera. Over the last few days other government policies have been implemented like the water meters, giving possibly private information to a number of unions and other such government policies. It is interesting to note that this government policy is based on a perceived conflict of interest for a CEO who acts as a returning officer. As I said, when I asked the department whether this sort of issue had ever happened, the answer was no. Many members of the committee were actually quite perplexed as to why this particular part of the bill was being changed, and that is borne out by the committee's report.

**A government member** interjected.

**Mr HART:** The honourable member opposite will get her chance in a minute. In the committee's report there is the comment—

The committee supports the amendments and the intention of increasing transparency and integrity of local government elections. The committee notes however, no overwhelming evidence was provided to the committee to demonstrate issues associated with a CEO being the returning officer for an election.

Given that, members might well understand why I will not support the position that has been put forward as part of this bill.

I turn briefly to the Heavy Vehicle National Law Act, and I actually learnt a bit about this today during one of our hearings because I did not know too much about it. This is a bill that is hosted by Queensland and automatically then applies in many other states, so we are leading the way in terms of hosting this legislation. This part of the bill will defer when automatic dates are triggered with regard to registrations, and that has to be a good thing. We fully support that.

This bill also relates to the Queensland Reconstruction Authority. We all know that Queensland is beautiful one day, perfect the next—most of the time. Of course, that excludes the extensive flooding caused by periods of extremely heavy rainfall and the destruction caused by a number of storm cells including Tasha, Anthony, Yasi, Oswald and more recently Tropical Cyclone Marcia. The pain of these events that has been brought on our communities north, south, east and west will be everlasting, but it is incumbent on the government to ease the pain wherever possible. That is why I support the extension to the operation of the Queensland Reconstruction Authority. Fourteen minutes is better than 20. As I mentioned, there are some good aspects to the bill and I support those parts of the bill. However, I cannot support the changes to the process for local government elections.