




Speech By
Hon. Mark Furner

MEMBER FOR FERNY GROVE

Record of Proceedings, 10 October 2017

**LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER
LEGISLATION AMENDMENT BILL**

Message from Governor

 **Hon. M FURNER** (Ferny Grove—ALP) (Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships) (12.56 pm): I present a message from His Excellency the Governor.

Mr DEPUTY SPEAKER (Mr Crawford): The message recommends the Local Government (Councillor Complaints) and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER LEGISLATION AMENDMENT BILL 2017

Constitution of Queensland 2001, section 68

I, PAUL de JERSEY AC, Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to amend the Local Government Act 2009 and the Public Service Act 2008 for particular purposes

(sgd)

GOVERNOR

Date: 10 October 2017

Tabled paper: Message, dated 10 October 2017, from His Excellency the Governor recommending the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017 [\[1973\]](#).

Introduction

Hon. M FURNER (Ferny Grove—ALP) (Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships) (12.56 pm): I present a bill for an act to amend the Local Government Act 2009 and the Public Service Act 2008 for particular purposes. I table the bill and the explanatory notes. I nominate the Infrastructure, Planning and Natural Resources Committee to examine the bill.

Tabled paper: Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017 [\[1974\]](#).

Tabled paper: Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017, explanatory notes [\[1975\]](#).

During my first eight months as Minister for Local Government, I had the privilege of visiting many local communities across the state and meeting with their elected representatives. Through those meetings with councillors, mayors and their local communities, I know firsthand that the majority of elected representatives are doing exceptional work in the best interests of their constituents. Councillors and mayors know that, as elected officials, they hold a position of trust. They are trusted by their communities to serve in the best interests of their electors and ethically perform the functions of their office. To support elected representatives in maintaining the highest possible standards of legal and

ethical behaviour, the Palaszczuk government has made a commitment to strengthen the transparency and accountability of local government in Queensland. We have implemented a suite of changes as part of our rolling reform agenda to local government, including changing the candidate donation disclosure threshold to \$500 and introducing real-time donation reporting.

In July this year, during the budget estimates hearing for my portfolio of Local Government, I tabled the Councillor Complaints Review Panel report titled *Councillor complaints review: a fair, effective and efficient framework* and the Queensland government's response to it. The review was commissioned by the Palaszczuk Labor government and conducted by an independent three-person panel comprised of former Integrity Commissioner Dr David Solomon, former CEO of the Logan City Council Gary Kellar and former Noosa Shire Council mayor Noel Playford. I thank the panel for their expert and comprehensive review of the councillor complaints policy and procedures. The review follows concerns raised by the Local Government Managers Australia (Queensland) Incorporated about the role of chief executive officers in the management of complaints and changes sought by the Local Government Association of Queensland in the way in which complaints are dealt with under the act, including the inability to seek a review of decisions and the need to ensure that natural justice is afforded to all parties.

The Palaszczuk government's response to the councillor complaints report supported the majority of the 60 recommendations for change to develop a streamlined new system for making, investigating and determining complaints about councillor conduct in Queensland. These reforms have been met with support from local governments and their peak representative bodies, which recognise the need for reform to deliver an improved, more efficient, consistent and transparent framework for councillor conduct complaints.

To implement the review panel's recommendations, the bill introduces a comprehensive suite of reforms for the investigation and determination of councillor conduct complaints in Queensland. The bill introduces the Independent Assessor to investigate and consider all complaints against councillors. The Independent Assessor will have the appropriately qualified investigatory powers to provide for an efficient, effective and consistent investigation of a complaint. This will provide for increased transparency and objectivity in the process, by requiring an investigation to be conducted by an independent body, as opposed to CEOs of local governments or the department. Under the new model the Independent Assessor will now be able to deal with frivolous, vexatious or out-of-time complaints.

The bill establishes the Councillor Conduct Tribunal and the Local Government Remuneration Commission. This clearly separates the responsibilities of the Local Government Remuneration and Discipline Tribunal and replaces the current Regional Conduct Review Panels, providing for the more efficient determination of a complaint. The Councillor Conduct Tribunal will hear and impose disciplinary orders for misconduct matters, while the Local Government Remuneration Commission will deal with the maximum amount of remuneration that is payable to local government representatives.

Allegations of corrupt conduct will still be actioned by the Crime and Corruption Commission. The bill introduces the concept of unsuitable meeting conduct and clearly defines inappropriate conduct and misconduct to set clear behavioural obligations for elected representatives. It provides for the development of a new compulsory code of conduct, to be approved by regulation, to hold councillors to high standards of legal and ethical behaviour.

The introduction of a compulsory code of conduct will bring councillors in line with members of parliament, local government employees and state government employees, all of whom operate under a code of conduct. This will provide for increased consistency across the sector and transparency over the standards of behaviour that are expected. The bill provides for new and strengthened penalties within the legislation to: discourage frivolous or improper complaints; preserve the confidentiality of an investigation; and deter a councillor from taking reprisal against an employee or former councillor for making a complaint.

Amendments are not proposed to the City of Brisbane Act 2010 at this time. However, the government will review the new framework and assess whether it will be beneficial to align the City of Brisbane Act 2010 with the new process within six months of commencement of the bill. The Department of Infrastructure, Local Government and Planning will work in partnership with local governments and the new Local Government Liaison Group to roll out and implement the new framework for anticipated commencement on 1 July 2018.

A number of recent matters have arisen that have had a cumulative impact on the public perception of integrity and accountability in local government in Queensland. In December 2015 the Crime and Corruption Commission report titled *Transparency and accountability in local government* was tabled, which recommended a series of changes to provide for increased transparency and

accountability in local government in Queensland. In response to that report this government progressed the first stage of legislative amendments and introduced Australia's first real-time electronic donation disclosure system to ensure that Queenslanders are fully informed when they go to the polls.

These reforms are the second stage of comprehensive legislative changes to address the issues underlying the councillor complaints system to ensure that public confidence and trust in the system is restored. The Palaszczuk government made a commitment to strengthen the transparency and accountability of local government in Queensland and this bill delivers on this commitment. Integrity and accountability are the cornerstone of the democratic process and these reforms are part of a comprehensive suite of changes aimed at giving Queenslanders increased confidence in their local government representatives.

Rest assured, the Palaszczuk Labor government will continue to do what is necessary to strengthen the transparency and accountability of local government in Queensland and ensure that the system in place supports hardworking elected representatives to do what they are elected to do. I commend the bill to the House.

First Reading

Hon. M FURNER (Ferry Grove—ALP) (Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships) (1.04 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 Infrastructure, Planning and Natural Resources Committee

Mr DEPUTY SPEAKER (Mr Crawford): Order! In accordance with standing order 131, the bill is now referred to the Infrastructure, Planning and Natural Resources Committee.