




Speech By  
**Christopher Whiting**

**MEMBER FOR BANCROFT**

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**LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER  
LEGISLATION AMENDMENT BILL; LOCAL GOVERNMENT ELECTORAL  
(IMPLEMENTING STAGE 1 OF BELCARRA) AND OTHER LEGISLATION  
AMENDMENT BILL**

 **Mr WHITING** (Bancroft—ALP) (4.54 pm): I rise today to speak in support of the two bills that are before us, and I do so because I also care very much about the health of local government in Queensland. I will deal with a number of the issues we have dealt with in these bills. I was pleased to see the changes we put forward with regard to conflict of interest. We have proposed that councillors have to decide, one, to vote on whether there is a real or perceived conflict of interest and, two, vote on whether that person should actually leave. I very much feel this is better than the system that has existed for many years. Previously it was up to the councillor. The councillor decided, and in my experience I think that was deficient. I have heard councillors say, 'Yes, there is a bit of a conflict of interest, but because it is in the interests of the community I will decide to stay in the room.' It was then incumbent on the other councillors there to say, 'Let's vote that this person leaves the room.' That is a very brave thing to do for councillors who need to work with that person every day. I believe that not once in my 12 years as a councillor did I see them vote that someone with a conflict should leave the room.

We have a system where councillors could ignore the decision-making process in relation to declaring a conflict of interest. They could sit there and hope it goes away, but what we have proposed forces them to stand up and make a decision. I think the one-year jail penalty sends a very strong signal about how importantly we regard this. I served under Rob Noble, the CEO of the Caboolture council, who said to me, 'If in doubt, walk out.' I think that is definitely the safer thing for councillors to do. Unfortunately, I did not see that often enough during my term in council.

The issue of sending councillor complaints outside the council to the Office of the Independent Assessor is very welcome, and I am pleased to see they have real powers to investigate. Previously the panels would ask people questions, and that would be about as far as their powers went. They often had to make decisions in he-said, she-said scenarios, and they did not usually have sufficient information to make strong determinations. I do acknowledge all of the people who have served on those panels such as the former mayor of Caboolture, Joy Leishman.

Obviously if there is a complaint about corruption it goes to the CCC or the CJC as it then was. That has always been the case and it will always be the case, but other complaints have often had to go through the CEO of the council. The CEO may decide that it is a vexatious or frivolous complaint and not refer it through to the panel, and I am aware of people who were worried about being labelled vexatious and frivolous. That could be a reason to send the person lodging the complaint to the panel, and I do not think that is a very good outcome either. We do know that in these cases it would be a very brave CEO who referred their mayor to one of these tribunals, or the panel previously, because the mayor is the person who most determines their employment. Going through the CEO has been a deficiency in the system, but if a CEO decides to refer a complaint to the tribunal there is very little recourse.

I also welcome the changes we are proposing in the area of donations. I believe that the current system does have some potential to be open to corruption, but I think the real-time donation reforms we brought through have been one of the greatest reforms of donation laws for many years in this state. The very thing that makes local government such an effective level of government—that it is small, flexible and can make decisions quickly—is also the thing that makes it most vulnerable to corruption, because when something comes through quickly there are fewer sets of eyes on them, they can make a decision quickly and they can be flexible about it. I believe that that in strange ways does make them more open to localised instances of corruption.

I think this is a time of greater corruption risk for councils. There is now a lot more outsourcing of activities—for example, parks being maintained by local gardening companies. If there is a relationship between councillors and local business owners—do not get me wrong: I think contracts should go to local businesses—there is a greater risk of corruption.

I foresee some advantageous outcomes of these bills. One of the best outcomes I foresee is that Queenslanders will talk and think differently about local government. When there is a controversial issue relating to local government, often people's first response is cynicism. When a decision is made, people will always put it down to personal gain. If an approved development is outside a zone, outside the box or outside the urban footprint or if it is different, it should be good enough to stand on its merit and there should be confidence in that application approval. If a development assessment is faulty or there is no net benefit to the local community, we really do not want people to say that the reason behind that decision or that vote was a relationship between the proponent and councillors. We want them to say that best quality planning was behind that decision, not any shadow of personal gain.

We do not want local residents to say that a decision they do not like was made because of the personal gain of councillors. Too often those comments are thrown around when decisions are made. We do not want people to keep saying such things in a cynical way. I know that it is not true, but we cannot help that a lot of people are thinking this about local government at this time.

We want Queenslanders to think differently and talk differently about what local councils do. These bills will help that. I think these bills go a long way towards breaking the nexus between political donations and local developers. That is a good thing for the overall health of local government in Queensland. I commend the bills to the House.