




Speech By
Dale Last

MEMBER FOR BURDEKIN

Record of Proceedings, 16 May 2018

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

 **Mr LAST** (Burdekin—LNP) (2.26 pm): I rise to contribute to the cognate debate on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 and the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018. As a former councillor and deputy mayor of Townsville City Council, I have experienced firsthand the issues that surround the complaints process involving councillors. I certainly support an overhaul of the existing legislation and policy framework.

Certainly, as the level of government closest to the people, local government has an integral role in the provision of local government services to our communities. I want to pay tribute to the overwhelming majority of councillors and mayors across our state who work so hard for their communities. Unfortunately, recent events across Queensland involving councillors and mayors being charged with criminal offences is regrettable and, apart from tarnishing the good work undertaken by the majority of our councils across the state, highlights how broken the current system is regarding the way complaints against councillors in particular are handled. I note that the committee has recommended dealing with the decision-making powers for the Councillor Conduct Tribunal and the Local Government Remuneration Commission and I certainly hope the government will adopt this recommendation.

There is no question that a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct in Queensland is required. I support the practical and common-sense amendment to be moved by our shadow minister for local government during consideration in detail.

I note the key components of the bill involve establishing the position of an Independent Assessor and the Office of the Independent Assessor to investigate all complaints and information about councillor conduct and provide sufficient powers to undertake those investigations. I stress the importance of ensuring that appointments to those offices are merit based and that appointees are well qualified for the role.

Other key components include strengthening offences to support the new councillor complaints system, such as providing protection from reprisal for local government employees who make complaints against councillors; and providing for the minister to make a uniform code of conduct to set appropriate standards of behaviour for councillors. It is important to set the ground rules of what is acceptable and appropriate conduct for all councillors immediately post election and to make sure that they are communicated and understood by all of our elected officials at the local government level. In a day and age when the community has high expectations around the behaviour of elected officials, I think it is imperative that a clear and concise code of conduct is implemented that leaves no room for error.

Another key component of the bill is reallocating the functions of the current Local Government Remuneration and Discipline Tribunal and the regional conduct review panels by establishing a new Councillor Conduct Tribunal to hear and determine complaints of councillor misconduct. Remuneration for elected officials is always a vexed issue with each local government setting remuneration levels for their councillors. Of course, this leaves councils open to criticism and allegations of impropriety and is often accompanied by vicious local media campaigns.

This bill will also help in dealing with concerns over the potentially conflicted role of chief executive officers in assessing complaints against their own councillors—one of their employees. Councils are generally well respected by their local communities and any conduct by councillors that diminishes that trust must be addressed to the fullest extent possible in order to maintain the reputation and confidence that has been built over many years. To this end, we should all look forward to working closely with councils and the LGAQ on the proposed reforms to ensure transparency and accountability remain the foundation upon which public confidence is built. While supporting the proposed amendments, the LNP recognises it is highly likely that the new arrangements will still require further refinement following their introduction and therefore we will seek to monitor progress to gauge the effectiveness of the changes.

I will move on to the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill, which is much more contentious. I say at the outset that, whilst I support the CCC Belcarra recommendations for local government electoral reform, I am opposed to the prohibited donor laws at a state level. I note the practical and common-sense amendments proposed by the member for Toowoomba South regarding expanding this legislation to incorporate union donations for local and state government elections.

The test for the Premier now is: will she accept the advice of the independent CCC chair and undertake an inquiry—first promised in 2015—into state political donations before introducing bans at a state level? The Palaszczuk Labor government, in ignoring the CCC, shows that this bill as it applies to the state is purely politically motivated. The inquiry process for the bill has been a farce with the ECQ not answering questions publicly. There is no question in my mind that the general public should be outraged at their failure to do so.

It is nothing short of blatant hypocrisy for those opposite to ban developer donations and in the same breath continue to receive union donations with relative impunity. To hide beneath the union umbrella and have third parties wage campaigns is a disgrace. One may well ask—and plenty of people are asking this very question—how is receiving donations from property developers any different from donations received from unions? We have all seen in this place on numerous occasions those opposite meeting with union officials in this precinct during parliamentary sittings, and yet they have the hide to sit here and allege that property developers who donate to the LNP are being given unfettered access to our members with a view to influencing decisions.

We have heard time and time again—and ministerial diaries unequivocally show—that union officials are meeting regularly with ministers and yet those opposite have the audacity to come into this place and impose one set of rules on the LNP and a different set of rules on themselves. This bill should be seen for what it is—a blatant attempt to impose restrictions on the LNP whilst at the same time providing protection for the Labor Party in Queensland.

The fact that the Electoral Commission of Queensland received an invite to appear at the public hearing but chose not to attend raises serious questions. This is concerning to the LNP, as the agency charged with delivering such a far-reaching change to Queensland's electoral system should be prepared to answer questions about the policy implementation in public. Importantly, neither the CCC nor the Queensland Law Society were consulted on the drafting of this bill.

The CCC made it clear in its written submission that this bill goes beyond its recommendations and if the government were to consider banning certain donations from state elections a proper review or inquiry would be ideal. Let me repeat that: a proper review or inquiry would be ideal. The CCC stated in its submission—

The Inquiry terms of reference did not include state elections. Consequently the Belcarra Report recommendations did not involve any detailed specific consideration of corruption risks in state elections and decision-making. Accordingly, the reforms depart from the scope of the Belcarra Report recommendations ...

It further stated—

The Belcarra Report observed that the Queensland Government may consider it appropriate to also adopt these recommendations at the state government level. However, in saying this, the CCC did not contemplate that the proposed reforms would be introduced without preliminary review to identify and mitigate corruption risks in state elections and decision-making. A proper public consultation process is highly desirable. It appears that the current timelines provide little opportunity for the Committee to engage in a comprehensive consideration of these matters properly informed by experts and other stakeholders.

The chair of the CCC, Mr Alan MacSporran QC, expanded on this issue in the committee's public hearing and raised concerns about the constitutionality of these laws at a state level when he stated—

In an ideal world, and my personal view would be, you would ban all donations, but the High Court has said, and the law is, that there needs to be an evidence based response which is proportional to the threat identified.

...

... we said in one line in the early part of our report that the government may wish to consider translating or expanding it to the state sector. We did not mean by that that it is an automatic translation, what we meant is that it needs to be considered in that sector, which should be an evidence gathering exercise, public consultation, sufficient to get a sense of what is really happening in that area.

We have heard from a number of speakers during this debate about the difficulties in determining what constitutes a property developer. One may well ask whether this is a deliberate strategy by this government to make this a grey area in order to confuse the public. I have fielded calls from architects, engineers and accountants expressing concern that they too may be caught up by the definition of what constitutes a close associate.

There is a stink emanating from this bill that will waft around this state and in the course of time become intolerable. Queenslanders will ultimately see this bill for what it is—a blatant attempt by this government to use legislation to cement their position in power. They have shown here today that they will do whatever it takes to hold government, and this is a dark day for Queensland.