




Speech By
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MEMBER FOR BROADWATER

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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 CRISAFULLI** (Broadwater—LNP) (4.44 pm): I rise to make a contribution. I will start by pointing out the hypocrisy that when talking about a bill that deals with transparency it has to be done in a cognate fashion. I think it is an indication of just how absurd the new rules are. Unlike every other workplace in the Western World, we are dictated to by a set of rules and a time line that have been put in place previously and I do not believe it is leading to good, efficient parliament. That said, we are discussing very important changes to two pieces of legislation and clearly changes are needed. What we do have, though, is a situation where, in rushing to put in place some changes, I think some things could have been done better. I will use my contribution today to highlight those to the minister with a view to maybe implementing some of those changes.

In this chamber there are over a dozen people from both sides of the House and from the crossbench with experience in local government. There are people in this room with whom I have served on council such as the member for Burdekin and people whom I have visited regarding recovery efforts relating to bridges such as the member for Ipswich West—all people who at their core might have different beliefs when they walk into a council chamber. For the vast majority of people, when they sign up for local government it is about serving the community; that is what they are there for. Whether that is a small western shire like Boulia of a few hundred or a council right throughout this state ranging all the way up to the largest local government in the land, people who sign up for local government are decent people at their core. Whilst many of these changes are good changes, we will never stop bad apples. We will never stop people doing the wrong thing. That is why we have to ensure we put in place a system in which those doing the wrong thing are penalised.

I want to talk about one of the changes that I believe the minister is making in good faith but is wrong. I believe in the fullness of time we will see it to be wrong if we do not make this amendment that I am proposing today. That is the change to section 177G, which puts an onus on a councillor to report if they believe another councillor has a conflict of interest. I understand the intent behind it, but I do not think it leads to good government. Let me explain why—on two fronts. Putting the onus of determining whether or not somebody else has a conflict of interest can never be the best form of accountability. It is the individual who must determine if they have a conflict. The debate as to whether or not the individual should stay in the room is a worthy debate. What is not is asking the rest of the council to determine that. I will tell honourable members why.

There could be a scenario where one person on that council is a bit of a thorn in the side of the other elected officials, of the body that have the numbers on that council. That group can then, by its numbers, determine that that person has a conflict, which may not be a genuine conflict, and ask that person to leave the room. Even worse, when there is a debate that is tight, if the numbers are split in

the chamber, the deal could be done where one person is asked to leave due to a conflict that they do not believe is a conflict. They may well have rightly stayed in the room—and justifiably so. That person may be made to leave and the entire numbers of the debate would change. It is for that reason that I think in that section we would have been better off putting the onus on the individual and maybe ensuring that individual does not take part in the debate, whereas now they have the option to determine if the conflict is large enough or not. To ask others to judge a conflict goes against all good governance principles. I would not be able to tell honourable members of another board which would operate in that fashion.

I also want to talk about the public interest amendments, which is chapter 5 of the act, dismissal of a council or councillor where the minister reasonably believes it is in the public interest to do so. I know that this is in response to some actions where people have done the wrong thing.

When I read statements like, 'The term public interest is not defined. This is intentional to permit the phrase to evolve over time to reflect community expectations over time. Relevant factors in determining public interest may include, but are not limited to'—there are two things in particular that are listed that I am not comfortable with—'acting reasonably and community confidence in local government and/or its councillors.' That is a bridge too far, and to give those powers to a body at another level is too much.

What determines community confidence? If there is an uproar on Facebook because people do not like the level of their rate rise, does that mean that that council should be dismissed? If a member does not like his local alderman, should that mean the minister can dismiss that person? That is too far; that is too wideranging. If the minister were to outline what is defined as public interest or come up with a better term, as has been done in the other section where the suspension has been outlined, that is a different kettle of fish. This is too broad and whilst this minister may have good intentions, others may not. I think this really runs the risk of local government becoming nothing more than a creature of the state. You may even get the situation where a councillor does not want to speak out for fear that he or she may not be around the week after because the minister has said, 'See you later. I found that offensive under the section that says community confidence in the local government was eroded and you did not act reasonably, so I got you twice.' That is too much.

In my remaining time I want to talk about the section that bans property developer donations at state elections. It does go beyond what was raised by the CCC. Many people have made that submission in their contribution, but let me again focus on the definition of property developer. The problem is that when things are rushed you can get to a situation where you make changes which do not stand the test of time. If the definition of a property developer is 'someone who is engaged in a business regularly involved in the making of relevant planning applications', I would say to you that that is a very subjective set of terms. No matter how we attempt to define that, the word 'regularly' in that scenario cannot possibly be used.

To then draw that bow and transfer it to the state arena I do not think anyone in good conscience can say is fair and reasonable based on what came out of the CCC's recommendations, hence the reason the member for Toowoomba South is proposing what he is proposing, because by doing that I think he exposes the hypocrisy of what we have before us. If it is really about accountability would you not run the test as the CCC said? Or is it being used as a stalking horse to nobble political free speech? The link with local government is because it is the body tasked with making planning application decisions, so that is why the CCC has put that recommendation forward. There is not the same correlation at a state level, so I ask: what could the reasoning be behind it? Could it be that the Labor Party, in a debate about transparency, openness and accountability, is seeking to reduce free speech in the political process?

I will conclude by saying that local government is a very special level of government. The community deserves to know that each and every one of those councillors who walks into a building does so for the right reasons, and that is why we support the vast majority of the changes. I do ask the minister to look at those areas of overreach and make what could be very good legislation with some of those changes.