




Speech By
Lachlan Millar

MEMBER FOR GREGORY

Record of Proceedings, 15 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 MILLAR** (Gregory—LNP) (4.27 pm): I would like to make a short contribution on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 first. With your indulgence, Mr Deputy Speaker, if there are any mayors or councillors, certainly Western Queensland councillors, who are listening to this debate this afternoon, please be assured that you are well liked and well needed. Local councils have a pivotal role in our community. They are at the grassroots. They are on the ground. They are the first ones that many people, certainly in Western Queensland and regional Queensland, go to when it comes to any issue, whether it is roads, rates or rubbish. It could be even health issues. It could be anything. They are the people on the ground who people see first.

I would like to put on the record my absolute admiration for anybody who stands for local council or anybody who works for local council because they have an important role. I am looking around this House now and I see the member for Lockyer and the member for Gympie. I can only imagine how hard it must have been to be a councillor and hold down a full-time job as a police officer or run a cattle operation. I also acknowledge councillors on the other side of the chamber such as Jim Madden and others.

Government members interjected.

Mr MILLAR: Sorry, and Mark Bailey, the Minister for Transport and Main Roads and state member for Miller. What I am trying to say is that councillors in Western Queensland play a significant role. We find it hard for them to take the positions. The deputy mayor in Longreach, Leonie Nunn, lives in Stonehenge and it takes her two hours to get to a meeting or a planning meeting. It takes councillors in the Diamantina shire out near Birdsville over three hours to get to a meeting. I would like to acknowledge those councillors, mayors and staff who work for the regional councils in the Central Highlands, Barcaldine, Blackall-Tambo, Longreach, Winton, Boulia, Diamantina and Barcoo in my electorate. I pay tribute to them because I think they do a wonderful job.

There is support for the amendments contained in the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018. We acknowledge that these proposed changes to the existing legislative and policy framework applicable for councillor complaints will make addressing this problematic area less challenging. It will also help in dealing with the concerns over the potentially conflicted role of chief executive officers in assessing complaints against their own councillors—one of their employers.

The LNP has always been a strong supporter of the work that councils—mayors and councillors—do for the betterment of Queenslanders. We know that local governments share many of the same goals of the LNP—to create jobs, to provide safe and livable communities, and to build the

roads and bridges needed for the future. They are also taking on other roles and being asked to take on more responsibilities—whether it is providing health options or education in regional areas or, more importantly, taking on a higher role with tourism and also innovation and business growth.

Mr Costigan: Economic development.

Mr MILLAR: I take that interjection from the member for Whitsunday—economic development. There is a lot of pressure not only on councillors but also on council staff. Councils have generally been well respected by their local communities. I do note from the conversations and the debate today that obviously there have been some issues around some councils over the last six months, but I think they have been very isolated. The majority of councillors, mayors and council staff are well meaning and committed to their communities.

In Western Queensland and regional Queensland, these councillors do not take on this role for a career. They are not there for a career move; they are there for a service. In fact, we are finding it harder and harder to get people to nominate for councils in those far western shires because they are running operations or they are small business people in town trying to keep afloat themselves. They are going through drought and obviously there are issues with commodity prices. For them to put their hand up for council, it means they have an absolute desire to serve their community.

Both of my great-grandfathers were councillors in the Goondiwindi and Waggamba shires. From reading their histories, I can see that it was about service. It was not about anything else. It was about making sure they had a butcher shop in Goondiwindi. It was about making sure they had the provisions so they could continue to have a well-maintained butcher shop. That is what they do out in Western Queensland. To this end, we look forward to working closely with all councils and the LGAQ on the proposed reforms to ensure transparency and accountability remains the foundation upon which public confidence is built.

I move to the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018. The Labor government's proposed expansion of the property developer donation prohibition to the state arena begs one simple question, and it is a question that this House and Queenslanders need to answer in relation to the bill. Will the government follow the advice of the CCC chairman, Alan MacSporran, or will it ignore the CCC and push through donation restrictions at a state level with no evidence and no justification?

Mr Power interjected.

Mr MILLAR: If the member for Logan would listen, he might learn something. I want to quote from the CCC's submission for the benefit of the member for Logan, who may not have read it or listened to Mr MacSporran's evidence. The submission stated—

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 ...

It continued—

... 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.

Haven't we heard that before? It is highly desirable. The CCC made it clear that this government has overstepped the mark. The CCC never made any recommendations about state elections or donations and, as the CCC says, it 'departs significantly' from the report. It should go without saying that good lawmaking requires evidence based decisions when making them. By extending the property developer donation ban to the state arena, the government does not just ignore the direction of the CCC; the government does so without identifying what social ill it seeks to remedy.

I move to the area of definitions. A corporation which is engaged in a business regularly involved in the making of relevant planning applications is considered a 'property developer' under the bill. Mr Potts, from the Queensland Law Society, expanded on these definitional issues in his appearance before the public hearing. He noted—

... we are concerned that there be some certainty around definitions with respect to the legislation.

He went on to say—

... what indeed is a property developer? For example, if I have a block of land, which I break into three pieces—subdivide effectively—and start building houses, which I then sell, I am told that I may be, under the bill, a regular applicant, with 'regular' holding its ordinary meaning of effectively more than once.

Furthermore, there has been no advice given as to how 'regular' will be judged. Mr Potts, from the Queensland Law Society, in noting that 'regular' in the ordinary English definitions means more than once, asked appropriately—

Do you stop it at three? Do you start it at two? Do you make it to be 50 or 100?

He also asked—

What is a close associate? ... Does the definition of 'close associate' include a lawyer? A financial adviser? An accountant? An employee? Or a series of employees?

In the public briefing, representatives from Justice and Attorney-General and Local Government were unable to outline guidelines by which a property developer would be defined, instead referring that to interpretation by the ECQ. Our shadow Attorney-General, Mr Janetzki, questioned Mrs Robertson, from the Department of Justice and Attorney-General, at the committee meeting. The transcript states—

Mr JANETZKI: In terms of funding for the enforcement of this piece of legislation, has the department contemplated any particular guidelines to assist potential donors in the political process as to their ability to donate or not to donate? Have any guidelines been considered at this stage?

Mrs Robertson: No, the department has not. We have suggested that, given that the ECQ has the power under the bill to give advice to entities as to whether or not they are a property developer or other persons—for example, as to whether they are a close associate—as the legislation is implemented the ECQ may give consideration to that. I do not want to speak for the ECQ in this space.

Mr JANETZKI: There was no departmental policy consideration of any potential guidelines?

Mrs Robertson: No, that is right.

The ECQ was unable to be questioned by the committee in a public hearing and I think that is important. We need to be able to find the definition. Who is a property developer? Who will be categorised as a property developer? I call on the House to support the opposition amendments to be moved by the member for Warrego and the member for Toowoomba South. They are sensible amendments. Please listen to these amendments.

(Time expired)