




Speech By
Meaghan Scanlon

MEMBER FOR GAVEN

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**

 **Ms SCANLON** (Gaven—ALP) (5.49 pm): I rise to speak in favour of the Local Government (Councillor Complaints) and Other Legislation Amendment Bill and the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill. Prior to the 2017 state election the Palaszczuk government was working through a number of reforms to provide increased transparency, integrity and accountability in local government. I know that a lot of Gold Coasters have been keenly awaiting the introduction of these reforms.

As a state member on the Gold Coast, I want to make sure that all families in my community are supported by their local government and that ratepayers' money is being spent wisely and free from corrupt conduct. I know that the vast majority of councillors, mayors and local government employees are good people who work in the best interests of our community; however, the conduct of a minority has diminished the public perception and trust of local government which has prompted these reforms.

We have seen the risks associated with councillors accepting donations from property developers and then voting on development applications from the same donors. In light of the potential for conflicts of interest to arise in these situations, we are reintroducing these bills to prohibit property developer donations at both a local government and state government level. In 2012, under the Newman government and the stewardship of then local government minister, David Crisafulli, we saw yet again another example of legislation being watered down. This has been a contributing factor to some of the issues that we see today in the headlines.

The Palaszczuk government has a proud history of improving integrity within the political system. Last term we introduced Australia's first real-time electronic donation disclosure system to provide more transparency for Queenslanders. I am pleased to speak in favour of these integrity reforms to implement the government's response to the recommendations of the Crime and Corruption Commission's Belcarra report. These two bills were an election commitment that we are delivering on and something that I know many members of my community support.

The first bill I will speak in favour of is the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill. As well as prohibiting donations from property developers, this bill also amends the Local Government Act and the City of Brisbane Act to implement the government's response to recommendations 23 and 26 of the Belcarra report to strengthen requirements in relation to how a councillor must deal with a real or perceived conflict of interest or a material personal interest.

This bill requires that after a councillor has informed a meeting of their conflict of interest other councillors must vote at the meeting to determine whether the councillor has a real or perceived conflict and whether the councillor should leave or stay and participate in the meeting. Failure to comply with

the decision to leave or stay will be an offence. This bill also requires any councillor at a meeting who believes or suspects on reasonable grounds that another councillor at the meeting has a conflict of interest or a material personal interest to inform the person who is presiding at the meeting of the councillor's belief or suspicion. Further, it will be an offence to take reprisal against a councillor or another person because the councillor complied with their duty to report.

Gold Coasters and Queenslanders need to know that there is integrity and transparency in all levels of government. That is why we have strengthened penalties to make a failure to declare a conflict of interest an offence. This bill also makes it an offence for a councillor who has a material personal interest or a conflict of interest in a matter to influence or attempt to influence any vote by another councillor or any decision by a council employee or contractor in relation to the matter. The committee also proposed amendments that follow a series of Crime and Corruption Commission investigations that provide the powers for automatic suspension of councillors charged with a range of specific integrity related offences and an additional power for the local government minister to dismiss a council when in the public interest.

The second bill that I will speak in support of aims to establish a new Independent Assessor to deal with councillor complaints more effectively and to enact a compulsory code of conduct for Queensland councillors. In July last year the *Councillor complaints review: a fair, effective and efficient framework* report was tabled alongside the government's response. This report was the result of an independent review commissioned by the Palaszczuk government.

One of the central components of this bill is to establish the position of an Independent Assessor and the Office of the Independent Assessor. The role of the Independent Assessor will be to investigate the complaint and relevant information about a councillor's conduct prior to determining how the complaint should be dealt with.

As the law currently stands, complaints in most cases are first considered by the local government CEO who makes a preliminary determination in relation to whether the complaint has substance and amounts to inappropriate conduct, misconduct or corrupt conduct. If the complaint is deemed to be inappropriate conduct then the matter will be referred to the mayor or deputy mayor for further action. For allegations of misconduct the matter will be referred to the department's chief executive or delegate, who must consider whether the complaint should be dismissed or investigated further with a view to referring it either to the regional conduct review panel or the Local Government Remuneration and Discipline Tribunal to conduct a hearing, make a determination and impose any disciplinary action.

One of the key objectives of this bill is to simplify the current process, reduce duplication and red tape, and increase objectivity and transparency. The bill gives the Independent Assessor the power to initiate an investigation based on a complaint made or referred to the assessor's office by a member of the public, an organisation, a local government official or a local government.

The Independent Assessor will be empowered to start an investigation if they are made aware of information indicating that a councillor may have engaged in inappropriate conduct or misconduct and that the assessor reasonably believes it is in the public interest to investigate. The Independent Assessor will also investigate suspected corrupt conduct when referred to by the Crime and Corruption Commission. These investigative powers include the power to enter a place, seize evidence and require a person to provide information or to attend a place to answer questions. In order to carry out these investigative duties, the assessor will have the ability to appoint appropriately qualified individuals as investigators to assist.

Another key component of this bill is the development of a uniform and compulsory code of conduct for councillors to be approved by regulation. This code is important because it will clearly set out the standards of behaviour for councillors. The code of conduct, along with the definitions of inappropriate conduct and misconduct, are clarified in this bill and will provide expectations of councillors and clearly defined standards that the public can expect from its elected representatives.

This bill removes the confusing two-tier disciplinary hearing process, replacing it with a single Councillor Conduct Tribunal which will determine matters of councillor misconduct and what disciplinary action should be taken. I am particularly supportive of the establishment of review rights for decisions relating to misconduct made by the Councillor Conduct Tribunal. An application for review may be made to QCAT which creates a fairer system for those individuals who do not agree with the initial determination made.

This bill also provides strengthened offences to provide protection from reprisal for local government employees and councillors who make complaints about a councillor's conduct and to ensure confidentiality of investigations is maintained. This bill also provides increased penalties to discourage frivolous and vexatious complaints.

Both of these bills hold members of local government and state government to the standard that the public expects and provides integrity in a system that is clearly broken. I know that my community support reforms that aim to provide increased transparency, integrity and accountability. I have no hesitation in commending these bills to the House.