




Speech By  
**Nikki Boyd**

**MEMBER FOR PINE RIVERS**

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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 BOYD** (Pine Rivers—ALP) (3.26 pm): I rise to speak in support of the bills and the minister's associated foreshadowed amendments. Our democracy is a healthy one, I believe in part due to the devolution of power from a group of people into a set of rules. Our democracy thrives when people hold faith in the system, when people can confidently and actively participate in a robust process based on the principles of fairness. I am proud of these bills and the objectives they seek to achieve through a multifaceted approach to develop a streamlined, simpler system for the making of a complaint, investigating said complaint and determining an outcome. They will reform the political donations system, reinforce integrity, minimise corruption risk in relation to political donations from property developers, improve transparency and accountability in state and local government, provide for the ability to have an automatic suspension of councillors, and expand automatic disqualification offences for the minister's use if it is in the public interest.

I was four years old when, off the back of media reports, then acting premier Bill Gunn ordered a commission of inquiry into possible police corruption, headed up by Tony Fitzgerald, commonly known as the Fitzgerald inquiry. Midway through the investigation the terms of reference were broadened and Fitzgerald was also able to investigate evidence of political corruption. After more than 300 witnesses, more than 200 sitting days and nationwide attention, this inquiry lasted longer than 17 times the original intention. The outcomes drove a complete overhaul of the integrity and accountability mechanisms found in public office throughout Queensland. Born of this process was the Criminal Justice Commission, now the Crime and Corruption Commission. It makes me immensely proud that, almost 30 years on, this critical body, derived from the Fitzgerald report tabled here in this place, has gone on to self-initiate a body of work into local government—Operation Belcarra—that has flung open the doors to local governments, following on from the most recent council elections.

I am confident that these bills will create an environment that is fairer, more effective and more efficient. It is clear that we need a system that is more responsive and more accountable. These proposals enact substantial changes to the way complaints are processed and investigated and how alleged infractions are addressed. In terms of local government, the standards of conduct—the expectations—are set out in the act and range from local government principles to councillor responsibilities, councillor obligations, and councillor conduct and performance. There are currently three categories of conduct that may result in disciplinary action for councillors: inappropriate conduct, misconduct and corrupt conduct. These reforms propose to introduce a fourth category of conduct—unsuitable meeting conduct—and also amend the definitions of 'inappropriate conduct' and 'misconduct'.

The minister will establish a code of conduct outlining the standards of behaviour for councillors performing their functions and include anything the minister considers necessary for, or incidental to, the standards of behaviour. Declarations of councillors will be required before assuming office. Any person may lodge a complaint about councillor conduct to the council, the department or the Crime and Corruption Commission. The legislation does not prescribe a particular format for complaints or require the provision of supporting evidence. Complaints can be made anonymously.

Importantly, this bill moves to establish an Independent Assessor for a term of five years. Some of the functions of the assessor include investigating and dealing with alleged inappropriate conduct, misconduct and corrupt conduct matters referred by the CCC; providing advice, training and information for councillors, council employees and others about dealing with alleged inappropriate conduct, misconduct or corrupt conduct; and prosecuting conduct offences. The assessor will independently exercise their powers to conduct an investigation or determine the priority given to those investigations. Further, this bill establishes the Office of the Independent Assessor to assist the assessor to perform their functions.

An independent councillor complaints tribunal will be established as a body that has powers to conduct hearings about whether a councillor has engaged in misconduct; to investigate, at the request of a council, the suspected inappropriate conduct of a councillor and make recommendations about dealing with that conduct; and to perform other functions under the act. The Local Government Remuneration Commission will be established for a term of four years. The functions of the independent commission are to establish categories for councils and decide where each council fits and decide the maximum amount of remuneration payable. The chief executive must make model procedures in councils for the conduct of council meetings, including how the chairperson may deal with unsuitable meeting conduct and how suspected inappropriate conduct of a councillor referred to the council by the assessor must be dealt with at a council meeting.

Councils will be required to adopt an investigations policy about how they deal with suspected inappropriate conduct of a councillor referred to the council by the assessor. The fourth new category of conduct, unsuitable meeting conduct, is defined as a councillor's conduct during a meeting that contravenes a behavioural standard in the code of conduct. Details regarding unsuitable meeting conduct must be recorded into the meeting minutes. Orders may be made of reprimand, requiring the councillor to leave the meeting or removing a councillor.

As I mentioned earlier, these reforms amend the definition of 'inappropriate conduct'. Inappropriate conduct is redefined as a councillor's conduct that contravenes the standard of behaviour in the code of conduct or a policy procedure or resolution of that council. Conduct that is unsuitable meeting conduct, misconduct or corrupt conduct does not fall within the definition of 'inappropriate conduct'. In addition, there is amendment to redefine what actions constitute misconduct. These reforms introduce limited appeal processes in misconduct matters regarding the conduct of councillors, including mayors. This process is not about the decisions of councils such as planning decisions that may be reviewed under other legislation or the activity of council employees. When it comes to making a complaint, a person may make a complaint about a councillor's conduct to the assessor orally or in written form and complaints may be made anonymously. A councillor and CEO must notify the assessor if they become aware of information indicating a councillor may have engaged in inappropriate conduct or misconduct. This bill provides that councils must keep an up-to-date councillor conduct register.

Lastly, and essentially, is the adoption of the implementation of recommendation 20 of the Belcarra report making it unlawful for a prohibited donor, a property developer or industry representative organisation to make a political donation or solicit other persons to make a donation to candidates, groups of candidates, third parties, political parties and councillors. The Belcarra report noted that a keen concern regarding political donations is that they increase the risk of corruption and are seen as being motivated by a desire to purchase influence in government decision-making. Modelled off the New South Wales legislation, the Palaszczuk government is extending the ban to the state jurisdiction—an important step for the purposes of perceived conflict as the state government has an important role to play in Queensland's planning framework. Any person can make application to the ECQ to seek a determination for a person or an entity. Donations received on or after 12 October 2017 from a prohibited donor would need to be paid back to the person who made it within 30 days of implementation. These bills provide for good, much needed reforms in the local government space—reforms that create an accountable, responsive system, one that is fair, efficient and effective; moreover, a system that can rebuild and restore the faith of the Queensland public. I commend these bills to the House.