




Speech By
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MEMBER FOR BONNEY

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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 O'CONNOR** (Bonney—LNP) (3.19 pm): I am proud to have been a member of the committee that looked into both of these pieces of legislation. I thank the committee staff, especially Trudy, and my fellow committee members. In response to the comments by the Minister for State Development I highlight our deputy chair, who brought a great deal of local government experience as the first, last and, I think therefore, best mayor of the Albert shire.

The Local Government (Councillor Complaints) and Other Legislation Amendment Bill stems from the report of the independent Councillor Complaints Review Panel. The panel should be acknowledged for its role in guiding these reforms. The LNP's position is to not oppose the bill. It is clear that, after an independent review, an overhaul of the existing legislative and policy framework applicable to councillor complaints is required.

Two sensible amendments were proposed by the committee. The first was that the Councillor Conduct Tribunal must include at least two members in the process of conducting a hearing to determine whether a councillor has engaged in misconduct. This is important to give the public confidence in the deliberations of and decisions made by the CCT. For this to be achieved there needs to be a panel when there is a hearing about a councillor's conduct. The second proposed amendment was that the Local Government Remuneration Commission must also be constituted by at least two commissioners when making decisions on the establishment of the categories of councils, which category each council belongs to and the pay of each councillor in that category.

All members of this House have looked on with disappointment at some of the recent events concerning the conduct of some within local government. Although they are certainly in the minority, they have created a situation whereby the community rightfully feels concerned about those responsible for their roads, rates and rubbish.

The bill provides transitional arrangements for the commencement of the new councillor complaints system. Rather than using heavy-handed tactics, we will stress the importance of the Labor government working in close cooperation with local councils and the LGAQ to ensure the successful rollout and implementation of the new framework.

We support the proposed amendments and recognise the need for changes to the legislative and policy framework for councillor complaints to achieve the objective of a simpler, more streamlined system for investigating these issues. In particular, it will address the difficult role CEOs have when they receive a complaint against one of their own councillors. It also allows a councillor who experiences bullying or harassment by another councillor to complain to the Independent Assessor. Politics can be tough and there are often spurious complaints raised, especially when personalities are involved. It is a positive step, though, to allow genuine concerns to be raised by councillors.

The LNP has a lot of respect for councillors. Broadly, so do communities. It is important for us to deal with any conduct issues that may diminish the level of trust people have in them. This bill proposes amendments to primarily the Local Government Act 2009 to provide a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct. The IA will investigate and deal with any allegations of inappropriate conduct as well as corruption matters referred to it by the CCC. It will provide advice, training and information to councillors and staff about dealing with allegations, prosecute conduct offences and investigate other matters referred to it by the minister.

An important transparency measure is the annual report prepared by the Office of the Independent Assessor describing the complaints made or referred, any investigations that have been conducted, complaints that have been dismissed, any decisions made, referrals made to the CCC and decisions made by the CCT. We will be monitoring the progress of this new system as it will likely require further refinement once it is introduced to gauge its effectiveness. We support the establishment of the position of the Independent Assessor and the office to investigate all complaints and information about councillor conduct. We stress the importance of ensuring that appointments to these positions are based on merit and that positions go to those who are well qualified and have an understanding of local government transparency.

There is no prescribed time within which a complaint must be dealt with. Especially when media coverage of the fact that a complaint has been made is exactly what a complainant is looking for—often they do not have any regard for the outcome; they just want to put a cloud over their target—having an open investigation time frame could exacerbate issues. I do note that the assessor can dismiss a frivolous or vexatious complaint. I certainly hope they keep this ability in mind.

I turn to the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill. The opposition will be opposing the prohibited donation provisions at a state level but supporting the CCC's recommendations for local government electoral reform. I wholeheartedly support the amendments we have foreshadowed to extend this concept to union donations for local and state government elections. The committee heard the Queensland Law Society raise concerns about the frankly vague definitions around a property developer and, in particular, the definition of 'regular'. Does this simply mean more than once? I do not believe that is a fair or reasonable way to define this.

The laws are designed to deal with the perception of corruption rather than actual corruption. To extend these laws to the state level and make them retrospective is a blatant misuse of power, particularly given the concerns raised by the Electoral Commission about how long it would take to develop guidelines for these laws—some three to six months.

Elections cost money. Donating to someone's campaign is taking part in the political process. The ability to be involved in that discourse is a fundamental part of democracy. Is it right for a government to preclude a certain segment of society from doing that—especially when we are talking about the state level, which has next to no involvement with the approval of development applications?

Having an evidence base to guide the formulation of legislation is a pretty simple concept. We saw quite clearly from the Crime and Corruption Commission, in both its submission and its appearance at a committee hearing, that there has been no inquiry of any sort into the requirement for these laws at a state level. The CCC's report found little evidence of donations leading to special treatment for property developers. In its submission the CCC noted its recommendations did not involve any detailed, specific consideration of corruption risk in state elections and state decision-making. Furthermore, the Belcarra investigation was conducted before real-time disclosure came into effect. This was significant to the integrity and accountability of elections. That should surely provide the transparency we need in our electoral system without this overreach by the government.