




Speech By
Hon. Stirling Hinchliffe

MEMBER FOR SANDGATE

Record of Proceedings, 15 February 2018

**LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER
LEGISLATION AMENDMENT BILL**

Message from Governor

 **Hon. SJ HINCHLIFFE** (Sandgate—ALP) (Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs) (6.12 pm): I present a message from His Excellency the Governor.

Mr SPEAKER: The message from His Excellency recommends the Local Government (Councillor Complaints) and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER LEGISLATION AMENDMENT BILL 2018

Constitution of Queensland 2001, section 68

I, PAUL de JERSEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Local Government Act 2009 and the Public Service Act 2008 for particular purposes

(sgd)

GOVERNOR

Date: 14 February 2018

Tabled paper: Message, dated 14 February 2018, from His Excellency the Governor recommending the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 [\[193\]](#).

Introduction

Hon. SJ HINCHLIFFE (Sandgate—ALP) (Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs) (6.13 pm): I present a bill for an act to amend the Local Government Act 2009 and the Public Service Act 2008 for particular purposes. I table the bill and the explanatory notes. I nominate the Economics and Governance Committee to consider the bill.

Tabled paper: Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 [\[194\]](#).

Tabled paper: Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018, explanatory notes [\[195\]](#).

As the Minister for Local Government, I am pleased to introduce the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 into the House. This bill delivers on the government's election commitment to continue to work on strengthening and improving the councillor complaints process, putting the system beyond reproach. It delivers on the government's commitment to reintroduce lapsed legislation to establish a new independent assessor to deal with councillor complaints more effectively. Enactment of this legislation will see Queensland's councillors subject to a compulsory code of conduct.

Before the 2017 general election, the Palaszczuk government was progressing a comprehensive suite of reforms to provide a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct and to provide for increased transparency, integrity and accountability in local government in Queensland. The first stage of reforms implemented in the Palaszczuk government's first term saw the introduction of Australia's first real-time electronic donation disclosure system to ensure Queenslanders are fully informed when they go to the polls. The introduction of this bill represents the second stage of legislative reform.

In July last year my colleague Mark Furner, the then minister for local government and minister for Aboriginal and Torres Strait Islander partnerships, tabled the report *Councillor complaints review: a fair, effective and efficient framework*. He also tabled the government's response to the report. The report was the result of an independent review commissioned by the Palaszczuk government and conducted by a panel comprising the former integrity commissioner, Dr David Solomon; the former CEO of Logan City Council, Gary Kellar; and former Noosa Shire Council mayor, Noel Playford. On behalf of the Palaszczuk government, I want to thank the panel for its expert and comprehensive review.

The report found that the legislative and policy framework currently in place for dealing with councillor complaints is overly confusing and difficult to navigate. The majority of the report's 60 recommendations made by the independent review panel have been supported by the government. A key component of the bill is the establishment of the position of the independent assessor and the Office of the Independent Assessor. The independent assessor will be responsible for investigating all complaints and relevant information about councillor conduct before deciding how a complaint should be dealt with. Importantly, local government CEOs will no longer be placed in the difficult position of undertaking preliminary assessments of complaints about councillors. With the establishment of the Office of the Independent Assessor, we will, in essence, establish a new front door.

The independent assessor may 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 initiate an investigation if they become aware of information indicating that a councillor may have engaged in inappropriate conduct—or misconduct—and they reasonably believe it is in the public interest to investigate such information. The independent assessor will also investigate suspected corrupt conduct when referred to the independent assessor by the Crime and Corruption Commission.

As with the CCC, the bill provides the independent assessor with the appropriate powers to carry out such investigations, including powers to enter a place, seize evidence and require a person to provide information or to attend a place to answer questions. The new system will be as simple as it is effective. We will be equipping the independent assessor with the powers necessary to do the job. In carrying out their duties, the independent assessor will also have the ability to appoint appropriately qualified persons as investigators to help undertake these investigations.

Another key component of the bill provides for the development of a uniform and compulsory code of conduct for councillors to be approved by regulation. The code of conduct will set out the standards of behaviour for councillors, leaving both councillors and the public in no doubt whatsoever as to the standards to which they will be held and will bring councillors in line with members of parliament, local government employees and state government employees—all of whom operate under a code of conduct. The code of conduct, along with the definitions of 'inappropriate conduct' and 'misconduct' clarified by the bill, will provide consistent and clear standards of behaviour for all councillors. The high benchmark of conduct that the community expects from its local elected representatives will be unambiguous.

Further, the bill removes the confusing two-tier disciplinary hearing process, providing a single tribunal for hearing and deciding councillor disciplinary matters. The bill establishes the Councillor Conduct Tribunal which will deal solely with determining matters of councillor misconduct, including what disciplinary action should be taken. This difficult task will be taken out of the hands of council CEOs. The new Local Government Remuneration Commission will decide the maximum amount of remuneration payable to local government councillors.

To support the reforms and the new system, the bill provides for strengthened offences, notably new offences to provide protection from reprisal for local government employees and councillors who make complaints about councillors' conduct and to ensure the confidentiality of investigations is maintained. Increased penalties will apply to discourage frivolous and other improper complaints.

The new system, established by this bill, will be fairer. The bill provides review rights for decisions about misconduct made by the Councillor Conduct Tribunal other than a decision to recommend the councillor's suspension or dismissal. An application for review may be made to the Queensland Civil and Administrative Tribunal. The bill repeals the declaration that a decision is not subject to appeal, allowing judicial review of an administrative decision of a local government.

At this time, amendments are not proposed to the City of Brisbane Act 2010. The Brisbane City Council currently operates its own conduct process in line with the City of Brisbane Act. The government will review the new framework for dealing with councillor conduct within six months of its commencement to determine whether the Brisbane City Council would benefit from adopting the new system.

The government will work in partnership with local governments throughout the state as well as the new Local Government Liaison Group. This partnership is aimed at ensuring a successful rollout and implementation of the new framework, proposed to commence by proclamation later in the year.

As the Minister for Local government in Queensland I will continue to do my utmost to increase integrity, transparency and accountability in local government in this state. These reforms have been met with support from local governments, their peak representative bodies and the public, as evidenced by the 13 public submissions received on the bill when it was first introduced last year and referred to the then Legal Affairs and Community Safety Committee.

The bill builds on the work done to date and is only part of a comprehensive suite of upcoming reforms aimed at giving Queenslanders increased confidence in their local governments and their local government elected representatives. I look forward to working with each and every council and the various local government peak bodies to achieve these significant reforms for the benefit of their communities. I commend the bill to the House.

First Reading

Hon. SJ HINCHLIFFE (Sandgate—ALP) (Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs) (6.22 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Economics and Governance Committee

Mr DEPUTY SPEAKER (Mr Stewart): Order! In accordance with standing order 131, the bill is now referred to the Economics and Governance Committee.

Portfolio Committee, Reporting Date

Hon. SJ HINCHLIFFE (Sandgate—ALP) (Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs) (6.22 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Economics and Governance Committee report to the House on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill by 9 April 2018.

Question put—That the motion be agreed to.

Motion agreed to.