



Speech By  
**Ann Leahy**


**MEMBER FOR WARREGO**

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## **LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 2 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL**

### **ELECTORAL AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms LEAHY** (Warrego—LNP) (3.19 pm): I rise to contribute to the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill, being debated cognately with the Electoral and Other Legislation Amendment Bill. After months of suspense and great theatre, finally we get to debate this bill. This week we have witnessed Labor's dodgy approach that has seen them fall on their swords with compulsory preferential voting for local government.

Government told the councils in early August that this bill would be debated at the end of August. Months later—and coincidentally clashing with the annual LGAQ conference in Cairns being attended by mayors and councillors—we now get to debate this legislation. I note the numerous proposed amendments to this bill. In fact, it has been a moving feast, with Labor juggling the political imperatives of the day. There have certainly been some spectacular flip-flops along the way.

**Mr Janetzki:** Spectacular.

**Ms LEAHY:** I take that interjection. There have been some spectacular flip-flops. I note that these proposed amendments will remove considerable provisions of the bill in relation to councillors' conflicts of interest and the register of interests. These about-faces are more about the events surrounding the Labor Deputy Premier than about local government. Finally, after months of campaigning, the Labor government have finally ditched their proposal to rig the voting system in their favour for the local government elections due in 2020. If the government had genuinely listened to local government and the concerns held by the LNP, they would never have contemplated this approach.

The LNP opposition supports the recommendations made by the CCC in the Belcarra report. The LNP respects the hard work being undertaken by elected local government representatives across the state. We commend them on implementing numerous reforms while, at the same time, addressing challenges in their communities. Their challenges are great. We know that there are 14 communities that will be out of drinking water by Christmas. The challenges and costs to local government are significant, as drinking water is the basis of any community. It is absolutely imperative.

This bill appears to be more about the other legislation than about the Belcarra recommendations. Perhaps the star billing should go to the other legislation followed by Belcarra, as the bill is more about Labor's reforms than about Belcarra recommendations. With the original bill, 58 per cent of the clauses are about the other provisions and therefore not about the Belcarra recommendations and the Soorley report. That was before the clauses were recently proposed to be removed by the amendments, so this figure is likely to be much higher. Who knows? With amendments coming thick and fast—I think there is something like 40-odd pages of them—more than 60 per cent of this bill could be about other matters and not Belcarra.

No doubt panicked by the level of discontent expressed about some of these reform measures, the government have taken the scissors to their own legislation and removed substantial sections of the bill. The pruning even extends to removing some responses to one of the CCC recommendations. Following the backlash from mayors and councillors and the campaigns run by the LGAQ, the compulsory preferential voting reforms have been ditched for at least the 2020 elections. CPV should never have been linked to an integrity bill in the first place. We are told that the bill aims to implement other separate government inspired reforms to improve diversity, transparency, integrity and consistency in local government; however, these government inspired reforms have nothing to do with the recommendations of the integrity bodies.

Before speaking specifically about the contents of this legislation, it is important to highlight the Labor government's shortcomings in reaching this legislation. The Labor government have been on a torturous journey to bring this bill to parliament. It could be likened to flying a butterfly bareback into a hurricane. Let me elaborate. Members may recall that the opposition asked a question of the Premier back in March this year in relation to the rigging of the local government voting system. It was only after the opposition circulated to mayors and councillors the Premier's response to the question about this rigging of the voting system that the Labor government finally awakened to the need for at least some consultation.

The minister, his staff and his department must have been working overtime, because on a Saturday afternoon following the opposition's emails out came the document with some of the government's plans. I have seen a lot in politics over the past 20 years, but this is one of the few times I have seen the government take to the carrier pigeons on a Saturday afternoon at 2.14. They must have been feeling a little bit caught out by their own Premier's answer. This begs the question: if the opposition had not asked the question of the Premier, would the government have ever bothered to write to the elected local government members? We know that this action was done in haste, because the government forgot to mention some of the proposed reforms in that Saturday afternoon email. Oops! There was a little bit of an omission in that first email. It was only after the councils asked questions about what had been left out that this was then rectified. The departmental director-general—

**Mr Power:** What had been left out?

**Ms LEAHY:** If you listen you will find out.

**Mr DEPUTY SPEAKER (Mr McArdle):** Member, address your comments through the chair and do not use the word 'you'.

**Ms LEAHY:** It was only after the councils asked questions about what had been left out that this was then rectified. The departmental director-general came to the rescue, did the tidy-up and sent another more detailed email containing the content of the proposed changes and inserting the bits that the minister's original email had missed the first time around. This is not the only time something has been overlooked. Do members remember the press release that went out that sacked mayors and councillors before the legislation was actually in place? I detect there is a pattern forming here.

Next, in response to the unilateral approach by Labor, local governments across Queensland united. They know that there is no justification for changing the local government voting system. Then we come to the flip-flop of the year. Labor members know that their voting system changes go against the Fitzgerald reforms. They were not recommended by either the Crime and Corruption Commission or the Soorley review of the 2016 local government elections. Members opposite know that the driver for introducing CPV into council elections is party political and that it is not in the best interests of the community or good outcomes for local government.

Due to these mounting concerns, a special meeting of the Local Government Association was called and held in Brisbane, with over 200 delegates attending at short notice. Mayors and councillors voted overwhelmingly to oppose compulsory preferential voting, to oppose proportional representation, to oppose dual candidacy, to oppose the government imposed expenditure caps, to oppose the public funding of council elections, to oppose the reduction of mayoral powers to direct staff and to oppose the removal of the power of the mayor and deputy or committee chair to appoint senior executive staff and called on the government to abide by the same rules they set for councils. Suffice it to say, local governments were not very happy. On 1 April, on the eve of the LGAQ special meeting, the government backflipped on some of those reforms, like the proportional representation, the expenditure caps for councillors and candidates, public funding for elections and the dual candidacy arrangements.

With all this going on, what has really been driving this Labor government to bring forward these reforms that have no genesis with the integrity bodies? The only review we can find that relates to much of this bill is the review done by the Labor Party of their inability to win wards in the Brisbane City Council—the Australian Labor Party's review of their unsuccessful 2016 Brisbane City Council election campaign. In that review they say—

It might be worth having a 'root and branch' review of the Local Government Act to level the playing field and introduce more accountability of the BCC and other councils.

Moving on, the bill aims to implement some other separate 'government inspired', 'Labor Party recommended' reforms on the basis that it will improve local government. What do we find in this bill in relation to integrity and transparency for local government? We find less than where we started, because much of this bill has been removed by the amendments put forward by the government. Under the current Local Government Act 2009, the maximum penalty for failing to update a register of interests within 30 days is 85 penalty units. If the offence is committed with intent, the maximum penalty is 100 penalty units. If the offence is then defined as an integrity offence, that means that, if convicted of an offence, the councillor automatically stops being a councillor and cannot be a councillor for another four years.

There are changes in this bill as a result of the Belcarra reforms and this replaces the two-tier offence and the maximum penalties of 85 penalty units and 100 penalty units for intentionally or unintentionally failing to correct the register of interests with a single offence and a maximum penalty of 100 penalty units. What we learn from this is that if the Labor member for South Brisbane was a mayor or a councillor rather than being the Labor Deputy Premier she would have been facing an alleged integrity offence. We will have to wait and see what the government now brings forward following the amendments to remove some of these provisions. The government has stated that it is determined to make it more appropriate to align these measures with state MPs. That is what is in the explanatory notes of this bill. However, that was written before the Crime and Corruption Commission's report in relation to the Deputy Premier's house purchase.

On face value, the bill represents the second stage of reform in relation to the following recommendations contained in the Belcarra report—namely, 16 different recommendations. In the interests of accountability and integrity, the LNP supports these recommendations. In terms of the recommendations contained in the Soorley report, the bill seeks to implement the following recommendations—41, 44, 61 and 74. I note that the Electoral and Other Legislation Amendment Bill 2019 implements the second stage of legislative changes in response to certain recommendations of the Belcarra report and the Soorley report and no doubt hence the cognate debate.

The third component of the bill includes the continuation of the government's reform agenda and, in relation to local government elections, the bill seeks to amend the Local Government Electoral Act to—well, until very recently, like this morning—mandate full preferential voting for mayoral and single councillor elections. It should be stressed that, in contrast to the convoluted approach that Labor has taken, the LNP has consistently been against the change—this imposed change—to local government elections. Local governments do not support compulsory preferential voting. In fact, a survey of the people of Queensland conducted by the LGAQ indicated that 70 per cent of Queenslanders do not support this rigging of the local government voting system. Further, the report into the local authority electoral system of Queensland from EARC said that optional preferential voting, which allows voters to vote only for the number of candidates for whom they wish to express a preference, may overcome some of the criticisms of the CPV system. We had the Labor government legislating to overturn the reforms stemming from the Fitzgerald inquiry and I am pleased to see that it has now decided to remove those proposals for the 2020 elections.

By way of background, what did the Australian Labor Party say in its submission to EARC relating to the local authority electoral system? This is quite interesting. It said that for local authorities with 2,000 or more electors and divided into single member wards preferential voting should be adopted because it is much fairer and produces councils with the support of the majority. It submitted that optional preferential voting may be the best form of voting in local government elections. That was the Labor Party's submission to EARC—that optional preferential voting was the best form of voting in local government elections, and I am pleased to see that we are returning to that.

We now have confirmation in the amendments, which are well overdue, that the Labor Party has bowed to the overwhelming pressure and gone back to optional preferential, for at least the 2020 elections. Finally, Labor has done some adding up when it realised that in Brisbane maybe compulsory preferential voting would mean that it would lose seats to the Greens rather than gain seats for Labor. It must be up there as contender of the year for award of the year for flip-flops, because we have certainly flipped and flopped all the way through this bill and this legislation. It was only the allure of the Labor political advantage that was driving this proposed change to CPV.

We also learned that the introduction of compulsory preferential voting at the 2020 local government elections would mean the cost of running local government elections would rise by up to 60 per cent from some \$13 million to over \$26 million, and I will be interested to see if the Electoral Commission now revises its estimates for running the forthcoming local government elections, and no doubt councils will also be very interested. Those additional funds—that 60 per cent increase—means that they have to divert money from roads, parks and gardens, water and sewerage to pay for those

additional costs with an imposed system of local government voting from the Labor Party. They would like to know whether the estimates that the ECQ has given them will now be revised given the changes in these amendments.

Even worse, it was neither Belcarra nor Soorley that recommended the introduction of CPV at the 2020 elections. Local government is crying out for certainty. To this end, will the government commit to providing them with clarity around the direction on the future voting system at the 2024 elections? I think we need to hear from the government in this respect—that is, will it rule out any changes in any future bills in this term? Will it rule out introducing compulsory preferential voting for the 2024 election? It was highlighted as an important issue, and we know that there were considerable submissions to the Australian Labor Party's written review of its unsuccessful 2016 Brisbane City Council election campaign, referred to as the Labor review. It states—

Analysis of past and present optional and compulsory preference data forwarded to the review indicates that optional preferential voting affected the results in both Northgate and Coorparoo, both of which are now LNP seats but would have been ALP seats if the same preference allocation had taken place as normally takes place in Federal elections.

To be clear, it was all about Labor rigging the voting system to advance its own candidates in the Brisbane City Council elections, and just ask Rod Harding how ruthless the Labor Party is when it comes to the Brisbane City Council! He knows all about being knifed. For this and many other reasons—

**Honourable members** interjected.

**Mr DEPUTY SPEAKER** (Mr McArdle): Stop the clock. Let us settle down. There is provocation both ways here.

**Mr Power** interjected.

**Mr DEPUTY SPEAKER:** Member for Logan, I was just addressing the chamber.

**Ms LEAHY:** For this and many other reasons I have outlined, the LNP does not accept this flawed, able to be twisted, rorted and manipulated system that was proposed in this original bill to determine who would govern our councils.

I will now turn to the other elements of the bill. In relation to the local government system and decision-making, among other things, the bill will provide for a new process for prescribed conflicts of interest and declarable conflicts of interest. However, the government has chosen to remove these provisions with amendments. It would be sensible for the government to commence these provisions at the beginning of the next local government term, not that in the past Labor has been too interested in the common-sense approach prevailing. It would also be sensible for the government to have these provisions out in the candidate training materials so candidates for the 2020 election can clearly see what is required of them should they be elected to council for the next term. Candidates need to go in with their eyes wide open. It is a huge responsibility for them and they need to be fully informed of the legislative requirements on them. This is difficult if the requirements are not out in black and white where they can see them.

Of further concern are the clauses that seek to amend the powers of mayors, other than for Brisbane City Council, in relation to budgets and the appointment of senior executive employees and directions to chief executive officers that provide for a record of directions from the mayor to the chief executive officer. I note that none of the integrity bodies recommended that the powers of the mayor be reduced in relation to the appointment of senior executive employees and directions to chief executive officers.

These powers were introduced by the previous LNP government and were a progressive reform that helped local governments do their jobs, fulfil their responsibilities and meet the day-to-day challenges. The LNP will not be supporting the removal of the ability of the mayor to give a direction to senior executive employees. The LNP will not be supporting the removal of the ability of the mayor and the deputy mayor, or the councillor who is the committee chair, to participate in decision-making to appoint senior executive employees. There is no solid reason outlined by the government that these powers of mayors and councillors should be reduced.

The bill further seeks to improve access to information for all councillors to provide greater transparency regarding the Brisbane City Council decision-making. This is a direct assault on the Brisbane City Council LNP administration. This is a direct lift out of the *Review into Labor's Brisbane City Council election campaign 2016*. This is what the Labor Party said in its review—

There should be more liaison with the Queensland Government to review the legislation governing Brisbane City Council. Amendments to the Act to ensure that there is greater transparency around Council activities so the Labor Opposition is not kept in the dark on budget and contract details.

The bill removes the right to information exemptions from the records of the Brisbane city civic cabinet, a statutory body formerly known as the establishment and coordination committee, and opens those records to access by the Labor opposition councillors at any time. I am advised that these records from the establishment and coordination committee are published every four years. I am also advised that the conflicts of interest are dealt with and minutes are taken.

Given its unique size and responsibilities, the City of Brisbane Act 2010 structures the Brisbane City Council along the lines of a state government. Unlike any other council in Queensland, the City of Brisbane Act 2010 provides the Brisbane City Council with a formal leader of the opposition, a chairperson of council, who is not the mayor, and a civic cabinet. In 2010, the Bligh Labor state government specifically granted cabinet confidentiality provisions for the civic cabinet when it drafted and introduced the City of Brisbane Bill. This provision was included for the same governance reasons that are used to justify the cabinet in confidence protections that are enjoyed by the state government cabinet. It should be noted that the Bligh government's decision to grant civic cabinet these confidentiality provisions drew particular criticism in the Labor review.

The Brisbane City Council has not been subject to any recommendations from the CCC stemming from Operation Belcarra. Nevertheless, the departmental summary published in March 2019 tried to justify the removal of the civic cabinet right to information exemption on the grounds of transparency, integrity and consistency. This represents a major step on integrity but, again, with no justification. When the provisions of the first Belcarra bill were introduced in October 2017, Premier Annastacia Palaszczuk stated—

Queenslanders should have confidence in the transparency and integrity of all levels of government—

but—

I will not make rules for local councils that I am not prepared to follow myself, so any changes we make will apply to state as well as local government.

To retain any credibility on this matter, the Premier should therefore immediately announce the removal of the state cabinet confidentiality provisions. I will be interested to hear how the Premier views the values of transparency and integrity when they are used against her government as tools of party political expediency. We know that the Premier, unfortunately, is weak when it comes to integrity. Clearly, she will not keep her word and apply the removal of the cabinet confidentiality provisions for the state government. On the cabinet confidentiality provisions for Brisbane City Council, again, we see one rule for the Labor state government and another rule for local government. This has been a similar situation with conflicts of interest provisions for the Deputy Premier and mayors and councillors.

I note that my parliamentary colleague the member for Toowoomba South will touch on the LNP's concerns about the Electoral and Other Legislation Amendment Bill in relation to prisoner voting and concerns about the changes to the time frames associated with the postal vote applications for state elections. I look forward to listening to the rest of the debate.