




Speech By
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MEMBER FOR HERVEY BAY

Record of Proceedings, 15 November 2023

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

 **Mr TANTARI** (Hervey Bay—ALP) (2.27 pm): I rise to speak in support of the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023. The bill continues the progression of local government reforms that the Palaszczuk government has always maintained are essential for the transparency and integrity of local government governance in the state of Queensland. Before I go to the details of the bill, I refer to comments made by some members of the opposition in the debate.

The member for Warrego, the member for Gympie and other opposition members ought to reflect on what they say in this House when referring to the councillor complaints system as 'broken'. That system has kept local government in check and held it to a high standard of accountability for many years. Members opposite know only too well that their comments on the system reflect on the hard work of the men and women of the Public Service who design and run that system, in particular, those in the department of local government and the OIA. I should know: I used to work in the department of local government.

I know opposition members are given their orders to trash talk anything that the Palaszczuk government does in the local government space and that seems to be the case for everything they say and do lately. However, to say that the system is 'broken' is about as far-fetched as saying that the LNP Newman government cared about public servants. We all know how that ended up for about 14,000 of them. It is unfair and downright insulting to our hardworking public servants who work in a very difficult space between the levels of government—

Mrs FRECKLINGTON: Mr Deputy Speaker, I rise on a point of order in relation to relevance. I ask that the member for drawn back to the long title of the bill.

Mr DEPUTY SPEAKER (Mr Lister): There has been a degree of latitude afforded to a number of speakers throughout the course of the debate. I do not think the member for Hervey Bay has strayed too far from the bill, but I will ask him to remain mindful of relevance.

Mr TANTARI: It is relevant. With regard to the councillor conduct system, I believe it is unfair and a downright insult to our hardworking public servants who work in a very difficult space between the levels of government, but they do so with absolute professionalism and transparency at all times. It shows a total lack of understanding of the current councillor complaints system, let alone the changes that are a natural course of refinement and improvement.

Turning to the bill, the bill will implement the government's policy response to certain recommendations of the State Development and Regional Industries Committee in its report titled *Inquiry into the Independent Assessor and councillor conduct complaints system*. The bill will make changes to the councillor conduct complaints system and the functions of the OIA. The current councillor conduct complaints system—

Mr Stevens interjected.

Mr TANTARI: No, it is not at all; it is refinements. The current councillor conduct complaints system was introduced in 2018 in response to the 2017 independent Councillor Complaints Review Panel report. This report provides for a simpler, more streamlined system for making investigations and determining complaints about councillor conduct in Queensland.

Mr Stevens interjected.

Mr TANTARI: Mate, it was a sight better than what happened between 2012 and 2015, when the Newman government was in power. It was a sight better.

Honourable members interjected.

Mr TANTARI: I was there. The councillor complaints system between 2012 and 2015 was a joke.

Mr DEPUTY SPEAKER: Member for Hervey Bay, would you resume your seat for one moment. I did not want to interrupt the member on his feet, but the interjections are again getting to too high a level. I have already indicated that I will be warning members under the standing orders. I start with the members for Bancroft and Mermaid Beach for quarrelling across the chamber. The table cannot hear the member on his feet. It is too loud.

Mr TANTARI: This report provides a simpler, more streamlined system for making and investigating internal complaints about councillor conduct in Queensland. A key element of the reforms was the establishment in 2018 of the position of Independent Assessor and the Office of the Independent Assessor to investigate all complaints and information about councillor conduct before deciding how it should be dealt with.

The creation of the IA and OIA enhanced the independence and transparency needed at that time to ensure that the assessment of complaints being made against councillors was free from perceived bias. This does not mean that the action taken then has eliminated all perceived bias, because we know of the prevalence of conspirators who peddle total rubbish in our communities without any proof or fact—just malicious personal attacks—to cause reputational damage, mainly out of spite or attempted political gain against decent individuals who, by and large, work for the betterment of these communities. Having an independent system to assess councillor complaints does create a form of barrier away from these, may I say, nut jobs as the OIA sits to one side assessing complaints of possible inappropriate conduct, misconduct and corrupt conduct.

In October 2021 the State Development and Regional Industries Committee was requested by the Deputy Premier to review the functions of the OIA. This request followed an increasing number of key stakeholders' concerns relating to the role of the OIA and the performance of its functions. Key to this request was assessing whether the performance of the OIA was consistent with the intent of the local government complaints system. This is a healthy review process instigated in the public interest. Over the course of the inquiry the committee identified issues relating to the operations, and it tabled a report outlining 40 recommendations to improve the councillor complaints system in Queensland. The bill addresses 19 of those recommendations that require legislative amendments to implement.

Before I touch on some of those supported recommendations, I would also like to note that through consultation with stakeholders a number of additional amendments to further strengthen the effectiveness and efficiency of the councillor conduct complaints system have been identified. These amendments complement the other recommendations of the committee. With regard to former councillors, one of the key proposals to the councillor conduct complaints system is to limit the system's application as it applies to former councillors so that the system only applies to those persons in relation to suspected corrupt conduct. Currently the Local Government Act provides that a complaint about the conduct of a former councillor can be investigated and dealt with under the councillor conduct complaints system. This change will narrow that scope. Following concerns raised by stakeholders regarding the issue of councillor conflict-of-interest requirements, work has taken place to develop an amendment to respond to these stakeholders' concerns. Other matters related to the modernisation of local government advertising requirements, where a need to contemporise the means of communication was identified.

As I said earlier, the amendments in this bill address 19 of the committee's recommendations. Whilst all are substantial in ensuring the act continues to remain robust and sensitive to stakeholder and community requirements, I will note a few of these amendments. The bill will introduce a preliminary assessment process that the IA must undertake to determine how best to deal with a complaint, notice or information about councillor conduct, including a time limitation for accepting the complaint, notice or information. This is an important process as the IA deals with a substantial number of complaints in any given year. Having a preliminary assessment program will allow smoother management and a more robust triage to ensure complaint resolutions are timely. Having time limitations for acceptance of a complaint, notice or information does provide a cut-off point for all those involved in the system and sets a defined boundary for this process.

Finally, I touch on how the bill establishes compulsory training requirements for councillors and the removal of the provision of training from the functions of the OIA. I think this is good thing. I think it is vitally important that councillors, like all good professionals, make themselves aware of their requirements under the law. Given their best intentions, many councillors simply do not avail themselves of the opportunity to bring themselves up to date with the changes in the act, particularly in those areas that can affect them directly in their roles. As members know, directly prior to being in this place I was a public servant who just happened to work in the department of local government. During my time, my team and I were responsible for the regional rollout of training to councillors, amongst many other duties. I am sure that the member for Gympie remembers that. From that experience I can inform the House that, by and large, most councillors rocked up when they were asked, but there were a few who would do anything not to attend—and some just plainly refused to attend but were effectively—

Mr Perrett interjected.

Mr TANTARI: You were always there; you always rocked up. Effectively, it was professional development for them in their role. Some of your guys in that council—boy, were they tough to get up to the professional development program!

Compulsory training is necessary and appropriate as many councillors, some from a range of backgrounds—and this is a good thing—need to understand their responsibilities under the act. It is simply in the best interests of their communities and themselves that they do so. I also support the decision in this bill to remove the training provision from the function of the OIA. I think that is the right step. I personally believe that the department and its officers are best placed to manage and perform this function. Officers with the support of the department through resourcing and upskilling understand the councillors they are working with in each council and how to best assist them in the servicing of their communities—support that I know is well valued by councillors. These relationships cannot be downplayed. Departmental officers are vitally important to the success of a councillor complaints system, not in dealing with complaints but working at arm's length to ensure the number of complaints is minimised by providing fearless and frank guidance.

It is these simple, trusting, ongoing conversations that ensure councillors stay on the right path because, if a councillor does not understand certain actions or inactions and their consequences, when they do know they are less likely to draw the wrath of the legislation they work under. From my experience, councillors who maintained a robust relationship with the department were the ones least likely to fall foul of the system. To my former colleagues I say: keep up the good work. Of course, I am a little biased but I want to acknowledge the fine and outstanding work of the department of local government and its officers. Your work is valued and appreciated by the Palaszczuk government.