




Speech By  
**Christopher Whiting**

**MEMBER FOR BANCROFT**

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

 **Mr WHITING** (Bancroft—ALP) (5.22 pm): It gives me great pleasure to rise and speak on this bill. I want to start by thanking the Deputy Premier for introducing this bill in response to our inquiry. I think he has brought forward an excellent bill—one that really goes above and beyond what is needed to help improve the system. Just to recount, our inquiry was nearly a year long. That is because we considered very carefully—we examined in depth—all of the issues that needed to be considered. I point out that four of our six committee members are former councillors. We had 14 hearings and we heard from 47 witnesses. I note that I read through 15 documents and 50,000 words as we drafted our report.

I want to start by saying that I reject what the member for Warrego has said that this system is broken. This is not a broken system. It has generally worked well but has needed improvement. To say that it is broken I think is an implicit criticism of the hardworking public servants who work in this department, and I reject that criticism. It is not a broken system.

I want to talk about a couple of things. The first is the introduction of a preliminary assessment process. This is probably one of the most important parts of the bill. Let me recount: if a complaint is not in the public interest, or if the person was acting in accordance with departmental advice—by the way, I think this goes a long way to addressing our recommendation about an advisory service—or if the councillor was acting in a private capacity, or if the complainer is declared a vexatious complainer, the complaint can be dismissed. This will be a huge relief for councillors. It means that the complaints can come in. There is a clearing house. They can be dealt with quickly. The complaint may go further or not, but the council can get on with what they need to do.

We heard from mayors and councillors about the constant fear of being caught up in this complaints system with minor or vexatious complaints. We think that the preliminary assessment system will go a long way to addressing that fear. What is more, through this process training can be recommended. If there is an issue, the councillor can get some training and the problem will be sorted. It also takes into account First Nations cultural customs. I think this is hugely important. At the conference—and I cannot talk about it too much because it was in a private setting—it was very clear that operating in those First Nations councils is like being in a different world. We need to know more about them and we need to hear what they are saying a lot more.

The second thing that I really appreciate seeing in this bill is the changes to the Councillor Conduct Tribunal, the CCT. It is great to hear that we now have a permanent head—congratulations to Russell Hood. We recommended that we have one. If need be, one CCT member can hear straightforward issues and they can be resolved quickly. That is very important. We think that this will help even more to clear the backlog that the CCT has at the moment. I congratulate the OIA and the CCT for their work over the last year in clearing that backlog of complaints more and more. We saw what was needed to help the CCT. We made recommendations and the minister has picked them up.

The third issue that I want to talk about is that of conduct breaches that the minister has talked about. We think that 'conduct breach' is a better term than 'inappropriate conduct'. Councillors are more comfortable with that. I make this point: we on the committee believe that minor level breaches need to remain with councils. Councils need to do better in dealing with the complaints before them. They need to deal with the complaints themselves. They need to be transparent and report on how many issues they have dealt with. It is very important that there is a natural justice process as well. This is a really important part of the councillor conduct system. We are saying to councils, 'It is important and you need to work hard to make sure that you do this better.' I commend them on already making great progress with that.

One of the other issues that is dealt with in this bill is mandatory training. From the committee's point of view—and it is in our report—we see this as the key. It is a hugely important thing that needs to emerge from this. There are so many issues that go into the councillor conduct system and if there had been a greater training regime in place they would not have ended up there. It is really important—and it is the state government and local government responsibility—that we make sure that there is better and more comprehensive training for councillors. The ebb and flow of the councillor conduct complaints system will be much better once that training is in place. I sincerely believe that.

It will also help councillors deal with the conflict of interest provisions. We have heard that many councillors have struggled with that, and I cannot blame them. It can be quite tricky. Once again, it is something that the state and local governments need to work together on with better training to make sure that councillors are conversant with it and they can deal with it when it happens.

Finally I want to talk about the use of the councillor conduct and complaints system by political activists. When I was in local government I remember our IT manager Shane Hinchliffe—a great fellow—saying to me, 'You cannot use IT to solve a HR problem.' I was constantly reminded of that lesson by another IT person—Sian. I actually ended up marrying her and she has always given me great advice.

**Mrs Mullen:** That's a HR issue.

**Mr WHITING:** It was a HR issue. There was a complaint. She reminded me that you cannot use IT to solve a HR problem.

What that means to me is that you cannot use a councillor conduct complaint system to solve a political problem. Let me say that again to everyone out there: you cannot use this councillor conduct system to try and get out of a political problem. You have to resolve this at a council level. For all of those councils that have a huge number of complaints coming in, they have a lot of conflict and a lot of problems—this is a political problem. You need to work harder to make sure you are not using that councillor conduct system as a way to try and beat out or find a resolution to these political problems. If we are doing that, that will help the operation of our councillor conduct system within the state.

Let me repeat: I think we already have a great system which has emerged over the years. Some issues needed to be dealt with. The point we have made about moderating Facebook pages should not be subjected to this regime, but if you use it to make comments that are unacceptable you are going to go into the system. I think we have resolved so many issues in this year-long inquiry, and consequently this bill has come forward and the government has taken on our 40 recommendations. As I said, if you have a nearly year-long inquiry it is no surprise you are going to get 40 recommendations. Some of those are larger and some are smaller. I want to thank the government for taking on, with this bill, 19 of those recommendations.

Finally, I want to say thank you to the deputy chair and all members of the committee. I think this is an example of what you can achieve with the committee system and what you can achieve in a parliament when all actors are focused on creating a better outcome. The committee worked together really well on this. We are all dedicated to making sure that our councillor conduct system works more effectively. As I said, we put a lot of time and effort into this. I also want to thank all members of our secretariat who helped us with this report. Thank you once again to all of the councillors and mayors, the LGAQ, government and local managers—everyone who was involved in talking to us. I found that they were quite willing to come forward and give us their views and tell us how they felt. I did not feel that any of them were backwards in coming forwards, if you know what I mean. They gave us their opinions very readily. I want to thank them; they engaged with us thoroughly. They engaged with us in a way that was constructive. I think we have ended up with a bill and a system that is going to serve us for many years. I look forward to working on this system in the years to come.