




Speech By  
**Cynthia Lui**

**MEMBER FOR COOK**

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

 **Ms LUI** (Cook—ALP) (2.47 pm): I rise to speak on the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023. In doing so, I would like to acknowledge the Deputy Premier, the Hon. Steven Miles, for his work to bring this important legislative reform to parliament. I would like to acknowledge the State Development and Regional Industries Committee; the committee chair, the member for Bancroft, Chris Whiting MP; members of the committee; the committee secretary; and Hansard for their efforts and hard work in the examination of the bill. The report into the inquiry was tabled on 14 October 2022. The committee received 59 submissions, conducted 14 public hearings across nine towns and cities, and heard from 47 witnesses.

The primary objective of the Local Government (Councillor Conduct) and Other Legislation Amendment Bill is to recalibrate the councillor conduct framework to make it more effective and more efficient and to ensure that only matters of substance and in the public interest proceed to the Councillor Conduct Tribunal for determination. The bill does this by implementing the government's policy in relation to 19 recommendations of the State Development and Regional Industries Committee's report No. 28 of the 57th Parliament, *Inquiry into the Independent Assessor and councillor conduct complaints system*, the councillor conduct report.

The framework for dealing with councillor conduct under chapter 5A of the Local Government Act 2009 commenced in December 2018 and applied to all local governments in Queensland and later to Brisbane City Council in 2020. A key component of the new system was the establishment 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.

Where appropriate, the OIA prepares applications for hearing by the independent Councillor Conduct Tribunal, which ultimately determines misconduct matters. Councillors play a fundamental role in their communities and Queenslanders expect high standards of conduct from their elected community leaders, and rightly so. Having an effective, independent councillor conduct complaints framework is vital to maintaining public confidence in local government, building capacity across the sector and providing positive outcomes for communities across the state.

In the Cook electorate alone there are 14 local government jurisdictions in both mainstream and Indigenous councils. I know that the councils in my electorate work extremely hard for their communities and the people they serve. I am fortunate to work with some of the most fierce advocates and community champions in local government who fight for local issues across infrastructure investment and legislative reforms to improve livability and the quality of life for people in the most regional and remote parts of our state.

Just last week I visited the Cook Shire Council and met with the deputy mayor, Councillor Robyn Holmes, and council CEO Brian Joiner, who took advantage of the opportunity to raise local issues including health, water, housing, land availability and so on. Not so long ago I joined the Minister for

Health to meet with local leaders from the Torres Strait and Northern Peninsula Area to discuss how we could strengthen health provisions in the region to improve health outcomes. Last week the Torres and Cape Indigenous Councils Alliance, most commonly known as TCICA, met in Cairns to discuss regional issues. The freight subsidy was one of the topics that was openly discussed.

Mayor Toppin from Mareeba Shire Council and I attended the seniors forum in Mareeba last week to show support for a very important event aimed at creating awareness for vital services and government support available to seniors. While I am on that subject, I want to give a shout-out to my dad, who has been in the council space for a very long time. Next year it will be 50 years, so he started very young. He has been through all of the different transitions and changes that happened throughout his time. I am very proud of the work that he does. I know that he is very passionate about his community—my community—Yam Island and the region that he also still represents as the deputy mayor of the Torres Strait Island Regional Council.

Even with the best of intentions, community councils were left exposed to a complaints system that closely scrutinised them. While I respect the work of the Office of the Independent Assessor and I acknowledge the need to have strong measures in place to encourage transparency and accountability, the process of undergoing an investigation has a huge impact on an individual's psychological health and wellbeing. There were stories of councillors having mental breakdowns, feeling stuck in a process that did not seem to have an end, and questioning their self-worth in a role that not only expects them to champion community issues but also endure lengthy battles to prove their innocence.

Many of the councillors in my electorate have questioned their future in local government and highlighted that the constant stress and pressure of going through an OIA investigation was just not worth it. I have listened to many personal stories, and I can honestly say that the effects were seen and felt. That is why I am speaking on this bill. There is a huge need for a balanced approach that will effectively manage councillor conduct complaints against community expectations whilst maintaining public confidence and trust and consider the impacts on the individual being investigated and their psychological, physical and emotional wellbeing. I firmly believe that the changes in this bill will achieve that.

The report highlighted broad support for the bill in relation to the councillor conduct complaints system, particularly around mechanisms that would streamline the system and remove some of the time delays and cost. Clause 46 of the bill implements the government's response to recommendation 1 of the committee's councillor conduct report by introducing a preliminary assessment process that must be undertaken by the OIA before progressing conduct matters, and time limitations for the receipt of complaint notices and information about councillor conduct. I am pleased to note that the aim of the new process is to increase the overall efficiency of the system, allow the OIA to focus on substantive conduct matters and improve the timeliness of complaint resolution, which was a key concern raised by the local government sector.

The bill provides that the OIA must dismiss a complaint or take no further action for a notice or information about councillor conduct in certain circumstances—for example, it was not in the public interest to proceed; it was received outside of the prescribed period; it relates solely to a councillor's personal conduct; the office of the councillor is vacated; or the conduct was engaged in by the councillor to comply honestly and without negligence with a guideline made by the director-general. The OIA may dismiss a complaint or take no further notice for a notice or information about councillor conduct in certain circumstances: if the conduct is, or may be, dealt with by another entity or the complaint is frivolous or vexatious; the complaint was made other than in good faith—for example, it was made for mischievous or malicious purposes; it would be an unjustifiable use of resources; or there is insufficient information to properly assess the complaint.

The bill also seeks to modernise local government advertising requirements by replacing requirements relating to print newspapers and applying them to other media, including online publications. The amendment reflects the declining readership of print newspapers, increased costs associated with print advertising, and the termination of many regional newspapers.

Before I conclude I want to thank the Deputy Premier as well as members of the committee for their work on the examination of the bill. I think it is much needed. It will make a lot of difference to the councils I work with. I acknowledge that comprehensive consultation occurred. I think it is really important to get a broad range of views from councils right across Queensland as well as the LGAQ, Local Government Managers Australia and the Queensland Law Society, amongst many others. I am also aware that Indigenous councils were also consulted in Gladstone during the LGAQ conference. I am really proud of that because I think it is important for us to get an Indigenous perspective on the issue, especially when there are cultural and language barriers and so on.

I fully support the changes. If anything, it will remove the fear of running for office in the future and support local leaders and community champions to continue the wonderful work they do to support communities. I commend the bill to the House.