




Speech By
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MEMBER FOR SOUTHERN DOWNS

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

 **Mr LISTER** (Southern Downs—LNP) (3.12 pm): I rise to make a contribution on behalf of the people of Southern Downs on the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023. In common with many members of the House, I would like to quickly acknowledge the local government areas that are present in my electorate of Southern Downs. They are the Southern Downs Regional Council, Goondiwindi Regional Council and about half of the land area of the Toowoomba Regional Council. As most rural members, I am sure, would agree, as a local MP you have a great deal to do with your local governments because they are close to the communities that they represent and that we represent, and a good working relationship between the two levels of government ensures the best possible outcomes for the communities that we represent.

I would like to say at the outset that I agree with those on my side of the House who have said that the system is broken. I respect the member for Hervey Bay and I acknowledge his experience as a participant in this world as an employee of the department of local government, but in my electorate of Southern Downs the experience has been that the role of a council, the role of local government, has been diminished, not protected, by the system that the councillors operate under. I think the Leader of the Opposition put it very well when he listed a number of effects: careers and reputations are destroyed, relationships are destroyed and opportunities are lost. I will talk a bit about how those things happen in a practical sense.

One of the councils in my electorate, the Southern Downs Regional Council, has for many years been plagued by overuse of the councillor conduct rules that they have had to work under for quite some time. What you find is that in an undivided council particularly, where the councillors are all direct competitors with one another electorally, the system is ripe for abuse. I will talk about my dear friend the Mayor of Southern Downs Regional Council, Councillor Vic Pennisi. He stated at the public hearing of the committee in Gladstone that he has made the fastest 50 in the history of cricket. He has had more than 50 complaints levelled against him, some of which have cost him personally a great deal of money to defend, others of which have cost the Southern Downs Regional Council a lot of money to defend and all of which have been dismissed.

To say they are vexatious I think is mild. I think these complaints have been miserable, spiteful complaints by unimaginative people in order to frustrate the proper democratic processes in local government. This gives rise to a situation where councillors are fearful to say anything, fearful to act and fearful to represent with fidelity the wishes of their constituents. We hear of complaints about a councillor looking disinterested in a meeting. The kinds of things that Councillor Pennisi and others on that council have been subjected to are tawdry and contrary to the public interest in terms of the cost they have occasioned to the taxpayer and ratepayer and also in terms of the freezing of the functions of local government that it gives rise to.

In one particular instance, Councillor Pennisi—I was with him on the day—went on TV. He was asked by Channel 9 what he felt about Emu Swamp Dam and he said that it would be a great thing for the community. He promptly got a complaint lodged against him with the Office of the Independent Assessor for dissenting from a council decision. That was dismissed, of course, because he was not, but this was done for entirely political purposes and for the purpose of distracting and befuddling someone who was doing a really good job in council, in my opinion.

What we are seeing is that the ability of people to make complaints anonymously disconnects them from accountability for putting in vexatious complaints, and we also see that the council, the local government, is having to spend a fortune, including some of the individuals, to defend these things, and it is just wrong.

I hear a lot about training and how training would be important in improving the system. Training is beneficial where it alleviates misunderstanding or ignorance about the processes, but where bad faith is involved, where malicious, vexatious and spiteful complaints are being lodged, that is not a matter for training. That is bad faith which will occur whether people are aware of what is at stake or not.

We also see that councillors are having to face conflict-of-interest arrangements which deadlock the operation of some councils. In the case of the Southern Downs Regional Council, again Councillor Vic Pennisi, on entirely specious grounds, was forced by the council to withdraw from a number of discussions and decisions on the basis of a perceived conflict of interest. The circumstances of that, in my opinion, were that it was a corrupt abuse of the system to prevent a legitimate voice from being heard in the council chamber.

In the case particularly of undivided councils, allowing councillors to act as judge, jury and executioner of one of their own is contrary to the public interest, because they are fundamentally electoral competitors with the other councillors sitting around the room. It is quite conceivable to have a case where a voice can be silenced and removed from the chamber because it is known that that voice will differ from the majority on the floor of the council. When you add to that a certainty that it will also lead to their opponents making complaints and making public that there are complaints against them, this is a perverse disincentive for councillors to represent their communities and to stand up and argue for what is right.

I think to say that this system is not broken is incorrect. With the greatest respect to my honourable friend the member for Hervey Bay, I suggest that he should come and see the culture that prevails in a council like the Southern Downs Regional Council. I would also like to say that the culture within the OIA has been wanting, in my view. A number of councillors on the Goondiwindi Regional Council, which is a fine council, a very representative council—one that is in the black—

Mr Krause interjected.

Mr LISTER: I take the interjection from my honourable friend the member for Scenic Rim. In Goondiwindi there have been no complaints. The Independent Assessor has not been involved in any complaints, as far as I know, since the beginning of the system. Kathleen Florian went to Goondiwindi and in an accusatory fashion waved her finger at the councillors and said, 'I know that you are withholding complaints. I know that you are doing the wrong thing and not telling us about it. I know that because there have not been any complaints.' That was a very prejudicial position for the Independent Assessor to hold and, apart from being very rude, it was a damaging accusation against the council. The fact that she could not make the intellectual leap to think that perhaps the reason there were no complaints is that the council has been doing its job and had not been the subject of complaints from community is disappointing. Add that to the fact that 95 per cent of complaints are effectively dismissed and that there are over 1,000 of them a year. Let's face it: any of us in this place who have any engagement with our local governments knows that the system is by and large abused by the opponents of councillors to besmirch their reputations and to make their lives hard. I would say those are not circumstances which reflect well upon the system.

I know that this bill is a good leap in the correct direction, but I do not think it goes far enough. I will be judging whether it does or not by seeing how the Southern Downs Regional Council fares under the new system. The Leader of the Opposition put it very well when he said that hamstrung councils that are afraid to act because their councillors live under the spectre of complaints and being hauled before authorities because they might express disagreement with a government policy is not in the public interest. How are councils supposed to represent us and make good decisions on matters such as housing supply and so forth, if they are hamstrung, hogtied and fearful to stand up for what they believe in because of the system as it is? The two words 'Sean Dillon' should be enough to make it clear where this act has gone wrong. I certainly commend the improvements and wish to see more.