




Speech By  
**Jim Madden**

**MEMBER FOR IPSWICH WEST**

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Record of Proceedings, 14 November 2023

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

 **Mr MADDEN** (Ipswich West—ALP) (5.42 pm): I rise to speak in support of the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023. The bill was introduced to the Legislative Assembly by the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure on 13 September 2023 but the bill was preceded by an inquiry into the Independent Assessor and councillor conduct complaints system by the State Development and Regional Industries Committee, the committee on which I serve, with the chair, the member for Bancroft, tabling the committee report on 14 October 2022, with the committee making 40 recommendations.

The committee found that the Office of the Independent Assessor was broadly sound but improvements were needed. Specifically, the system needs to align with the intent of the legislation and public interest more closely and efficiently. The committee's task was to consider the functions of the Office of the Independent Assessor and the performance of those functions and identify any amendments desirable for the more efficient operation of our local government complaints system.

The Independent Assessor undertakes the initial assessment of all complaints about councillor conduct in Queensland. It investigates misconduct complaints about mayors and councillors and, where appropriate, prepares applications for hearing by the independent Councillor Conduct Tribunal, which decides misconduct matters. The Office of the Independent Assessor has jurisdiction over the assessment of complaints made against all councillors and mayors in Queensland. Previously, complaints about councillor conduct were assessed by the council's CEO or the chief executive of the department of local government.

The committee resolved to conduct an inquiry into the functions of the Office of the Independent Assessor and the performance of those functions, including: the performance by the Independent Assessor of the Independent Assessor's functions and whether it is consistent with the intent of the local government complaints system; whether the powers and resources of the Independent Assessor are being applied in accordance with the public interest; and any amendments to the Local Government Act 2009 or changes to the functions, structures or procedures of the Independent Assessor considered desirable for a more effective operation of the Independent Assessor and/or the local government complaints system.

I proudly served as a local government councillor with the Somerset Regional Council from 28 April 2012 until I was elected to state parliament on 31 January 2015 so I know firsthand what governance issues local governments face on a day-to-day basis. In Queensland, local government councillors are responsible for the good governance of both local and regional communities. In performing this role, councillors execute a range of functions, including planning and monitoring, service delivery, and law making and enforcement. They also play an important role representing the interests of their community in negotiations with state and federal governments and the non-government sector.

After the tabling of the Local Government (Councillor Conduct) and Other Legislation Amendment Bill by the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure on 13 September, the bill was referred to the State Development and Regional Industries Committee for review. The bill implements 19 of the 40 recommendations of the State Development and Regional Industries Committee as detailed in its report titled *Inquiry into the Independent Assessor and councillor conduct complaints system* tabled on 14 October 2022, being report No. 28 of the 57th Parliament.

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

As well, the bill amends the current laws concerning local government election costs. Currently, pursuant to the Local Government Electoral Act 2011, a local government is required to pay the costs incurred by the Electoral Commission of Queensland for conducting an election in its local government area, but there is no ability for the Electoral Commission of Queensland to absorb any direct local government election costs and it is required to invoice a local government for the full amount. The bill amends the Local Government Electoral Act to provide the Electoral Commission with discretion to determine which election costs are passed onto a local government, which is all or part of the Electoral Commission of Queensland's costs.

As well, the bill deals with the reclassification of the Moreton Bay Regional Council. In July 2023, the Local Government (Moreton Bay City Council) and Other Legislation Amendment Regulation 2023 amended the Local Government Regulation 2012 to change the classification of the Moreton Bay Regional Council to the Moreton Bay City Council, as well as other subordinate legislation to update references to the Moreton Bay Regional Council. The bill makes consequential amendments to various acts to replace references to the Moreton Bay Regional Council with Moreton Bay City Council.

Lastly, the bill makes amendments to the Queens Wharf Brisbane Act 2016 to enable the state to grant the necessary tenure to meet its obligations under various development agreements with Queen's Wharf Brisbane. The construction of Queen's Wharf Brisbane is dependent on complex tender arrangements agreed to by the state and relevant developers. Tenure arrangements include declarations under the Queen's Wharf Brisbane Act, the revocation and creation of new reserves, multiple easements and the granting of long-term leases. The amendments in the bill provide for a new process for creating freehold lots within the Queen's Wharf Brisbane precincts which identifies all specific parcels of land and continuing interests and dealings.

In closing, I would like to thank my fellow members of the State Development and Rural Industries Committee, the committee secretariat, Hansard, the submitters to both the inquiry into the Independent Assessor and councillor conduct complaints system and the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023. I commend the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023, as well as any other proposed amendments by the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure to the Legislative Assembly.

**Mr McDonald** interjected.

**Mr MADDEN:** However, I hear some words behind me and I think I need to thank the members of the State Development and Rural Industries Committee directly—our wonderful chair, the member for Bancroft; our wonderful deputy chair, the member for Lockyer; the member for Bundaberg, who is here—

**Mr Bleijie:** This is filibustering.

**Mr MADDEN:** They were insisting that I do it. It was your member who asked. I thank the member for Burleigh who does a sterling job, and last but not least the member for Traeger who brings a wonderful element to our committee and is another former fellow councillor, as well as the member for Lockyer and the member for Bancroft.

**Mr Whiting:** Congratulate yourself, too, Jim.

**Mr MADDEN:** We all did a wonderful job. It was an interesting exercise. I would like to particularly thank those councillors who attended our hearing in Gladstone who went to the trouble to come down and speak to us and told us firsthand what their concerns were with regard to the current councillor complaints system. We took them on board and, as I told those people, we put a lot of effort into our final report and that led to the bill that was tabled by the Deputy Premier. Thank you.