




Speech By
Jim McDonald

MEMBER FOR LOCKYER

Record of Proceedings, 14 November 2023

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

 **Mr McDonald** (Lockyer—LNP) (5.32 pm): It is a privilege for me to rise and speak on the Local Government (Councillor Conduct) and Other Legislation Amendment Bill. It is some time coming, but it has been a pleasure to be the deputy chair of the committee working on this bill. It goes back to the reasons this bill came about, and that was because of an inquiry into the processes of councillor conduct, particularly what has been called the overreach and perhaps weaponisation of some of the councillor conduct systems. I will talk about that a little bit later.

I must firstly give thanks to all of those mayors and councillors right across the state and the 77 local governments. They are true community champions. We want to put in place a system of councillor conduct that is simple to understand and easy to negotiate for those councillors and mayors who are proud to be community leaders and serve in local government. We want to stimulate opportunities for them to be there. As we heard from the many inquiry witnesses and submissions, there is a lot of fear out there in local government about the Councillor Conduct Tribunal. Throughout the process we have seen there are many delays in the system, including delays of up to 2½ years for very simple training, apology or education processes, so that has been a great challenge. It was quite an eye-opening revelation for the committee when we understood those delays were in place.

As the committee worked through the 40 recommendations from the initial inquiry it talked about having a tripartite forum. That might be a new term for some, but basically it is the department of local government as well as the Office of the Independent Assessor and the CCT meeting on occasion to work out problems of interpretation. It was something that I was very keen to see happen, because if this place of legislature is determining a legal position on something and it has an interpretation, and we are giving that to the executive to put in place, if that system is closed—which I believe it is on many occasions from the information that came back to us from the department—then when it goes to an independent body, being the assessor and then the CCT, they have to be aligned with the executive and this legislature. If they are not, then the system is broken. We discovered many occasions when the Office of the Independent Assessor had a different interpretation from the department and then the CCT also had a different interpretation. That caused an enormous amount of grief for many good, hardworking councillors and mayors and they had to deal with that very personally. It actually affected their lives, and some of them have chosen to no longer continue in the role of councillor or mayor. That is something that is very sad to see.

We tabled the report with 40 recommendations—a very broad suite of them ranging from time frames through to interpretation through to training—I am pleased that the government has picked up 19 of those recommendations in this bill. Would there be some things I would change if I were the only person on the committee? Yes, there would be, but I am very proud of the work that my colleagues, the member for Burleigh, the member for Bancroft, the member for Ipswich West, the member for Traeger and the member for Bundaberg did on this committee and the genuine intent and spirit of cooperation we had to get the best outcome—not politically—for councillors and mayors across the state.

While I pay tribute and give thanks to all of those true community champions, I will give a shout-out to Mayor Tania Milligan and her council in Lockyer, who are right now dealing with the LDMG and disaster management provisions as a result of the freak hailstorm last Friday night and the tragic loss of Colin Greenwood's wife, Joy, on Friday evening. It was a terrible tragedy. They are dealing with not only the devastating loss of property but also the tragic loss of a wonderful life at the moment. Local governments right across the state deal with disasters. I also pay tribute to all those who are dealing with the fires that have been sweeping across the state and say a great many thank-yous. That is why we had a spirit of cooperation driving us to make the system of local government—which is an animal of the state—better so that more people, those champions in the community, want to be a part of it.

I do want to stress to the House that we wanted to set high standards of integrity, but we also wanted to make sure that the legalistic interpretation and misuse of these processes is kept under control. I believe that the work with the tripartite forum to see that alignment of interpretations will go a long way to assist with that. I also believe that mandatory training to get people to an understanding of these sometimes complex issues will be a good step in the right direction.

I also want to stress the uncovering of different standards of controls in councils across the state which were put in place by those councils to protect—which is the word that was used in some of the submissions—councillors and mayors from meeting with developers or doing things that could be misinterpreted by the committee. Some of those things are absolutely not necessary. The law as it stands and the way in which it is interpreted by the department is that there is no reason councillors and mayors cannot meet with submitters to development applications, DAs, in the local government context as well as applicants and hear them and go to site visits and see these things. That is not a breach of any conduct, but some councils have made it a rule that an officer from the council has to accompany those councillors or mayors.

I can understand why they are doing it but it is actually an overstep. Then we had people being referred because they were not complying with the new system that those local governments put in place. Again, there was an overreach in that regard. Removing the issue and aspect of social media unless it is something very unkind or illegal is a good step in the right direction. Making sure there is minimal opportunity to weaponise this use is a great thing.

It would be remiss of me if I did not give out a shout-out to Councillor Sean Dillon from Barcaldine. Sean Dillon faced a very challenging time in his leadership in council when talking about the rollout of immunisation for his community and then faced an inquiry and confidentiality issues. I believe wholeheartedly that all of those things could have been dealt with by the Independent Assessor right at the start. They could have said, 'No, don't touch this. This is a matter of freedom of political speech.' A good officer could have reported that there were concerns about the immunisation rollout in this community and I am sure that the necessary department could have taken that forward.

Seeing these five recommendations put in place and making sure there is an initial preliminary assessment of the matters will be a great step forward. The Office of the Independent Assessor is dealing with things now by sending letters to those councillors who have had complaints made against them and outlining to them that, although this is a misconduct matter, it is at a level that should see an educative or training process put in place or an apology if it is a very low level. There was some context given to the seriousness of the misconduct, and that already has taken away the fear that many of those councillors and mayors have faced.

A misconduct charge can have a very minor penalty through to ultimate dismissal if the Deputy Premier sees fit. I really appreciate that the operationalisation of these changes is going to be very critical. I recognise the new appointments that are being made and I look forward to seeing those put in place. This will see the good people in local government across Queensland supported through their conduct management system so that they can have confidence when doing their job, being true community leaders and delivering for the people of Queensland.