




Speech By
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MEMBER FOR GREGORY

Record of Proceedings, 15 November 2023

LOCAL GOVERNMENT (COUNCILLOR CONDUCT) AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MILLAR** (Gregory—LNP) (2.17 pm): It has been a long wait for this bill—a long wait for Queensland’s mayors and councillors and a long wait for Queensland ratepayers. That the bill is necessary at all lies totally at the feet of the current government. It is no exaggeration to say that the 2018 laws around councillor conduct have resulted in a system which is intimidatory. It has suppressed open debate in countless Queensland communities, especially in rural and regional councils right across my electorate. It oppresses councillors and mayors in exercising their free speech in the course of their public duties. What is more, it has wasted millions of ratepayer dollars investigating complaints that are trivial, vexatious or both.

I have no doubt that it has dissuaded quality candidates for election in multiple shires. There is absolutely no doubt that it cost Rockhampton a popular and outstanding mayor in Margaret Strelow. Ms Strelow was a fantastic mayor and, unfortunately, she decided to resign because of OIA processes and decisions. That is an example of where legislation has gone wrong. Closer to home, it has affected my community. I have nine complete shires in Gregory, as well as part of a tenth. I have heard a lot of feedback about these new arrangements, from both elected councillors and dissatisfied ratepayers. A common complaint is that councillors feel afraid to speak out on any issue publicly, at council meetings or in the local media. They are even afraid to speak to each other or meet with ratepayers in case the meeting is judged inappropriate following a vexatious anonymous complaint.

Anything even mildly contentious is often dealt with in a closed council session or a subcommittee meeting, out of the public gaze or record. That is a direct result of this government’s laws and councillors have every reason to feel afraid. Take the case of Councillor Sean Dillon, Mayor of Barcaldine Regional Council. To give some context, Barcaldine shire covers an area as big as the state of Tasmania, with a population of only 2,900 people. As those figures show, many people live in rural and remote settings. You may think such a location would have been relatively insulated from the COVID-19 lockdowns and bans seen in Queensland’s cities and towns, but that would be untrue. Many public health measures that made sense for denser populations, such as in Brisbane, were also imposed on rural and remote locations, severely impacting the populations with little demonstration of the need or benefit obtained.

Like other Queenslanders, Barcaldine shire residents wanted to achieve a vaccination rate that would support the lifting of restrictions. At an open council meeting, the councillors received a briefing from Queensland Health about how the Central West Hospital and Health Service intended to deliver vaccinations. Mayor Dillon raised two salient points.

Firstly, in order to receive their vaccinations, his residents needed to know when and where they could do so and that required a communication or public education drive for the vaccination rollout to proceed. That was a sensible and surely uncontroversial suggestion. People needed to know when, where and why. That communication plan also needed to be quite creative because Barcaldine has limited mainstream media channels. Mayor Dillon said that he thought the public communication component needed strengthening. That is what he said: it needed strengthening.

Secondly, Mayor Dillon expressed the need for there to be more than just a few vaccination days and more than one venue due to the tyranny of distance, which is a fact of life for most of us in Western Queensland. Mayor Dillon is a crack hand at counting cattle onto a truck so he had a good feel for how long it would take for a queue of people to move. As I said, they were uncontroversial suggestions that were down to earth, practical and intended to be helpful. They seemed to demonstrate a concern with achieving the best possible outcomes for the shire's residents and good local knowledge.

Instead, Mayor Dillon found himself facing a charge of potential misconduct from the OIA on the basis that his comments in the meeting could have been considered detrimental to public confidence in the health service provider and lead agency and in the rollout of the COVID-19 vaccination program in the region. No matter that time proved his concerns to be well founded—well founded—he had to sit mute under a potentially career ending allegation. Two months later, the OIA informed him that he was reasonably suspected of inappropriate conduct. We can only assume that was because he wanted to improve the program to better suit the context, as any mayor would do.

However, that was taken as a criticism of the state government. He was an elected office holder who was being shut down in the course of carrying out his public duties. It is no wonder that Queensland's 577 elected mayors and councillors are feeling intimidated. That is not an isolated case and the bill we are debating today does little to address such concerns. Under this bill, the Office of the Independent Assessor must dismiss a complaint if it is not in the public interest to proceed, but there is no clear definition of what the term 'public interest' means in this context. Without such a definition, I expect we will continue to see cases like Mayor Dillon's.

Under these laws, a publication notice will not contain the name of the complainant or any other person. This will do nothing to filter out repeated vexatious complaints but it does at least have the intention of providing some protection—except, no. The protection is then obliterated by the proposal to publish an executive summary of the investigation report in the council's agenda papers. Mud sticks and the reputational damage would be done regardless of the outcome of the investigation, even if there are no adverse findings. The department has advised that they are unable to resolve or rectify this so nothing has changed.

One of the key issues driving the huge increase in concerns being raised are vexatious or malicious complaints. Since the OIA was created in 2018, the problem has ballooned to such proportions that blind Freddy could see something had to be done. Unfortunately, this bill is not the solution we need. The simple solution would be to disallow an anonymous complaint so that the public and the media can see if there are personal or political motivations behind that complaint. Refusing anonymous complaints would make it clear when a single complainant continually makes vexatious complaints, in which case they should be warned and banned. Under this bill, if a complainant is declared vexatious but keeps submitting complaints anonymously then there is no mechanism to declare those complaints vexatious and they will be treated as a genuine complaint.

In regional and rural Queensland, local councils play an important role. In my area there are nine councils plus part of a 10th, which is the Isaac council. Councillors work extremely hard in their communities. There are members of this House who have been councillors and the member for Gympie was a deputy mayor. They know how hard it is to hold those positions while also being a member of the football club and the polocrosse club.

Mr Perrett: Camp drafting

Mr MILLAR: They may be involved in camp drafting and they will also be on the P&C. In rural and regional Queensland, it is becoming harder and harder to find people who will run for council. Take, for example, the shire of Diamantina, which includes Birdsville, Bedourie and Betoota, and of course the main paper out there is the *Betoota Advocate*. We are finding it harder and harder to find candidates because a lot of councillors are saying, 'I have my own business.' It could be a trucking business, a grazing business or a small business in town. They are saying, 'I can't continue to make a living from my small business while trying to be a councillor because I can't go to the meetings as I'm not allowed to be there.'

I have spoken to the local government minister and former local government ministers, such as Stirling Hinchliffe, about having a different act for rural and regional councils to provide them with better opportunities to do their job. It is getting harder and harder. I know that the council elections are coming up in the next six months or so. I can tell the House now that out my way we are finding it harder and harder to find people to stand.

Mr Sullivan: You could run, mate.

Mr MILLAR: I could, but I will not. I will declare that now. I hope that the government understands that being a councillor in regional and rural areas is an incredibly tough job.