




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

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LOCAL GOVERNMENT (COUNCILLOR CONDUCT) AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (3.03 pm): I rise to make a contribution to the debate on the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023. It is often said that local government is the most grassroots form of government given the basic services that a council provides. It was particularly so pre-amalgamation days in the smaller councils that then existed. In what is now the Toowoomba Regional Council, there were eight local governments so it was quite easy to have access to a local councillor. We now have 10 councillors and a mayor who work hard to cover what is a large and diverse council.

These councillors traditionally come from a community involvement background before putting their names forward to contest a council representative position. This means that, when elected, these councillors come under a level of scrutiny that most of them will not have encountered before. This is as it should be for anyone who is responsible for the handling of public funds. The ratepayers demand proper scrutiny on how their hard-earned dollars are spent and that any potential conflicts of interest are declared. Whilst there have been avenues to report any suspected breaches in conflict or disclosure, unfortunately we have seen a number of cases where the outcomes of these investigations have been less than satisfactory. It is this section of the bill that I would like to focus on. The committee report states—

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 ...

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 ...

In October 2022, the State Development and Regional Industries Committee ... tabled its Councillor Conduct Report, making 40 recommendations. The government's response to the Councillor Conduct Report supported or supported in-principle all 40 recommendations.

There was broad support in submissions during the committee process 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 costs. Some of the amendments in the bill include the IA 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 Independent Assessor may dismiss a complaint or take no further action for a notice or information about councillor conduct in certain circumstances: if the conduct is or may be dealt with by another entity; if the complaint is frivolous or vexatious; if the complaint was made other than in good faith—for example, it was made for mischievous or malicious purposes; if it would be an unjustifiable use of resources; or if there is insufficient information to properly assess the complaint.

If the matter is not dismissed following the preliminary assessment, the Independent Assessor must decide to: refer the conduct to a local government to deal with, for a suspected conduct breach; investigate the conduct, for suspected misconduct; or take alternative action—for example, make any recommendation the IA considers appropriate, such as the councillor attend training, counselling or mediation. The LGAQ stated that this addresses a key concern of its members in relation to the time taken for matters to be dealt with and the need to put a clear public interest test up-front as part of an initial triaging process.

The committee heard about the challenges faced by Indigenous councillors in applying certain conflict of interest provisions, particularly around declaring family and kin relationships. Regional councils also face these challenges due to small communities where there are family relationships, neighbours and friendships that need to be navigated. Councillors need to be aware to declare these issues that may arise so the community can have full confidence that decisions made by council are fully transparent. Unfortunately, not all complaints that are made are purely in the best interests of the community. It is disappointing that we have councils that suffer from a number of vexatious complaints both for personal and political reasons. The bill does go to some of those issues, but submitters state that it does not go far enough. The committee report states—

Clause 67 of the Bill inserts new chapter 5A, part 3, division 8 into the LGA to establish an administrative process whereby the IA may declare, in certain circumstances, that a person is a vexatious complainant for the period, of not more than 4 years, stated in the declaration.

In doing so, the IA must be satisfied a person has repeatedly made complaints and at least 3 of the complaints have been dismissed by the IA as being frivolous or vexatious, or have been made other than in good faith.

The LGAQ submitted that it appreciated the changes, noting that this would 'ensure that the councillor conduct system doesn't become a political weapon against individuals which is critical in maintaining the confidence of the sector and integrity of the role of the OIA and the CCT'.

The OIA also suggested that the current vexatious complaint process is limited to complaints made by members of the public and not to sitting councillors and that the OIA's experience has shown that the system is most misused by councillors. Accordingly, the OIA recommended that the vexatious complainant system be extended to cover local government officials. The committee has stated in its report—

However, we are of the view that the vexatious complainant process should be extended in some way to include sitting councillors.

I could not agree with that more. Mischief-making complainants, whether on council or otherwise, need to be held to account for their vexatious complaints. While the LNP will not be opposing the bill, the concerns around vexatious complaints are well made out.

I would like to take this opportunity to acknowledge the work that our councillors do in serving our community. We on this side of the chamber value and respect the work that these hardworking councillors do—unlike some of the members opposite, who have used this chamber to attack mayors and councillors under parliamentary privilege. One only needs to look at some of the contributions made by some members opposite during this debate to see that.

In March next year we will be holding council elections, and I would encourage local champions to nominate. We need good people to stand up and put their names forward to serve on councils and serve our local communities.