


~~and offer any help that the people of Childers might be able to provide to the people of Kingston and the Pacific Island community.~~

~~In closing, I welcome this legislation. There is need for reform. I look forward to the ensuring debate.~~

~~Debate, on motion of Mr Messenger, adjourned.~~

~~MINISTERIAL STATEMENT~~

~~Labor Party Preference Allocation~~


~~ **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (5.56 pm), by leave: During question time today I provided an answer which reflected the best of my recollection regarding the allocation of ALP preferences at the last state election. I have subsequently sought further advice from the Australian Labor Party and confirm that my recollection in this regard was not accurate. There was a significant number of Labor candidates who gave second and third preferences to other parties or candidates, predominantly Greens candidates including, as it turns out, me in my own electorate of South Brisbane. I am advised that in no seat were Labor preferences distributed to the Greens including in the seat of Indooroopilly.~~

~~It was not my intention to mislead the House and I apologise for the inaccuracy of any of my earlier statements today.~~

LOCAL GOVERNMENT ELECTORAL BILL

Second Reading

Resumed.

~~ **Mr BLEIJIE** (Kawana—LNP) (5.57 pm): The Local Government Electoral Bill is another legislative amendment introduced by this government that appears, on the surface, to be a positive change but is juxtaposed to its intent over the last 20 years of inaction towards local government in Queensland. The bill aims to set out new rules for running local government elections under one single piece of legislation.~~

I was a member of the former Law, Justice and Safety Committee that received a referral from the parliament in March 2010 relating to the review of the local government system for all local governments except the Brisbane City Council. As part of that inquiry the committee conducted six public hearings: two in Townsville, one in Mount Isa, one in Cairns, one in Rockhampton and one in Brisbane. The main objectives that were reviewed by the committee included divisions, conduct and timing of elections, candidates, campaign funding and disclosure, electoral signage, voting systems and methodology, and property franchise. These were examined in great detail including a comparable study of other jurisdictions in Australia. In addition, the committee also met with the Queensland Electoral Commissioner, Mr David Kerslake. Following the issues paper and a series of public hearings and meetings, report No. 78 *A New Local Government Electoral Act: Review of the local government electoral system (excluding BCC)* was released in November 2010. As part of that report, my fellow member LNP colleagues, the member for Hinchinbrook and the member for Mermaid Beach, and I submitted a dissenting report.

025 In that dissenting report we detailed our objections, particularly with respect to recommendations 32 and 33 contained in report No. 78. The particular concerns raised included harmonisation on voting methodology of local, state and federal elections. We believe that if this is of great concern then the state government should be lobbying the federal government to change the voting method from full preferential to optional preferential, given that it is the only jurisdiction that differs from what is currently in place throughout Queensland. We also raised concerns that local governments would be used as a trigger for changing the electoral system in Queensland at the state level. I note that, after considerable media attention to that, the government did not proceed on that basis. In his second reading speech the minister exclaimed that the legislation was 'the final stage of the review of local government legislation, started in late 2006'.

The most contentious part of that review has been the forced council amalgamations, which we opposed in conjunction with the LGAQ. Speaking from local experience—I speak from experience as a resident of 21 years—forced council amalgamations have been, to some extent, an absolute debacle on the Sunshine Coast. There were three separate councils prior to the forced amalgamations and now there is one giant council for the region of the Sunshine Coast, which is one of the fastest growing regions in Australia. After almost one complete term since amalgamation, the Sunshine Coast council is still seemingly split between the three former local government areas of Caloundra, Maroochydore and Noosa. There is little in terms of an economic vision for the region. Key industries such as tourism and

construction are suffering and the bureaucrats seem to run the show rather than elected councillors. As a testament to that statement, it is now on the public record that the mayor of the Sunshine Coast and three other councillors will be retiring and not running at the next council election.

Following an audit of my constituent files in my office, I now know that an unbelievable 40 per cent of council related matters that have been raised with council are now being dealt with by state members. These are constituents who contact me and several other politicians on the Sunshine Coast in an attempt to resolve their issues with council. The Residents Association South Sunshine Coast is a good group of people. They used to be the Caloundra ratepayers association and then they changed their name to represent 95 per cent of the Kawana electorate. I know that the committee had a very good meeting with the shadow minister recently in Gympie. They wanted to talk to the shadow minister in relation to a document they have sent to the government and to the opposition. This document, which I am happy to table after referring to it, states—

The Residents Association Sth calls upon both Government & Opposition to embrace .. a re-defining of Local Government ... giving back to the people the right to determine their own community.

In this document, which is well researched, well prepared and well written—and I have been advised by the association that they sent a copy of this document to the government and to the opposition—they say—

What has happened?

Successive state governments have “disenfranchised” the whole concept of local government to the detriment of Ratepayers.

The concept of Local Government used to be

1. the closest level of government to the people.
2. People governing their local community by local councillors, who represent the desires, requirements and the ambitions of a given area, which are unique to that local government area and are different to other local government areas

They then go on to say—

But the concept has been destroyed over the years by the State by

- a) Removing the autonomy of these local councils
- b) Forcing them to adopt a “corporation” approach where the elected Councillors are powerless and the powers given to bureaucrats who are not elected by the ratepayers and are not answerable to the ratepayers.
- c) Amalgamating these councils into super councils with inadequate access to the councillors by the ratepayers & residents.
- d) Prescribing a legislative framework which restricts the activities of elected councillors and places much power into the hands of the bureaucrats
- e) Creating a further level of paid management which has massively increased the cost of rates.
- f) Encroaching on the traditional role of Local Government in the field of local planning

There are some aspects of the document—I have met with the local ratepayers association—that I do not agree with. One particular comment they make in the documentation is in questioning whether state parliaments and state governments should exist at all. I do oppose that, because I believe that good state governments play a vital role in Queensland. It is just when people have 20 years of incompetent government that they start to feel a need to get rid of the whole system. I want to place on record that the system does work when you have good government and good governance, which we have not had in Queensland for the past 12 years. I will table this document because it really does redefine local governments.

Tabled paper: Residents Association South (Sunshine Coast) document, dated 25 June 2011, regarding redefining local government.

This association, who I meet with on a regular basis—I attend as many meetings of theirs as I can—calls for the entire deamalgamation of the Sunshine Coast which I do not support. But I support in the strongest sense giving local power back to local government and local councillors. Unfortunately, with the forced amalgamations of council, that is where we see this failure on the Sunshine Coast, because it is now a ballooning bureaucracy. As I said, I struggle to find an economic vision for the region when we have in my electorate alone businesses on Nicklin Way closing down and properties for lease because people from the Sunshine Coast are moving away to get jobs elsewhere, particularly in the mining industry in North Queensland.

Following that audit, as I said, we know that state members on the coast have had an influx of council related complaints. As I said in my opening remarks, the hallmark of this government is the way in which it bullies local governments in this state—absolute bullies. It forces changes, with little consultation, to centralise all of this control. There is no better example of socialism at work.

By comparison, the LNP has a fundamental underlying belief in handing power back to local government. We believe that it is vital to empower local communities and local governments as they are best placed to understand the needs and issues in their particular communities, not the bureaucrats. We believe that it is vital to provide Queensland councils with greater autonomy and assistance to plan and develop their local communities. Of course, an LNP government is committed to cutting the red tape and interference from the state government with respect to the local councils.

The components of the bill that particularly relate to my shadow portfolio responsibilities are the amendments to the requirements for the Electoral Commission of Queensland. As I stated during the estimates hearings last month, I have concerns with the ability of the ECQ in facilitating local government elections in March 2012 in conjunction with the state election, which is also due in March 2012. I asked the Electoral Commissioner, Mr Kerslake, at the time whether it would be an issue for the ECQ if both these elections were held in the same month or in close proximity to each other.

Of course, the bill before the House refers all control of local government elections in Queensland, excluding the Brisbane City Council, to the ECQ rather than to each local government. This legislation follows on from changes to the Electoral Act, under the Electoral Reform and Accountability Amendment Bill 2011, that fundamentally changed several key elements of the election process in Queensland, particularly the public funding of election campaigning. We on this side of the House understand that, quite simply—as I have said in debates in this place—because the Labor Party has run out of money and no-one wants to fund the Labor Party campaigns, it gives the bills to the taxpayer to pay. This is unacceptable. It was all about the taxpayer bailing out the Labor Party of any financial troubles.

Of course, since that time, just a few months ago, the cost of this legislative change has blown out. This legislation will mean additional costs to ratepayers through centralised costs from elections run compulsorily by ECQ. I understand the intent to reduce the bureaucratic burden by reducing the four pieces of legislation into one. I note that in the explanatory notes to the bill there is mention of an additional cost to Queensland Treasury to initially fund the 2012 local government quadrennial elections which will be recouped by slugging the ratepayers after the fact. There will also be an additional cost by establishing a dedicated ECQ branch for local government elections. I want the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State to outline what these additional upfront and ongoing costs are likely to be, given they are not mentioned in the explanatory notes.

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Clause 26 of the bill specifies that a person cannot be a candidate in a local government election while being a candidate for a seat in a state election. I think it is imperative that we encourage quality candidates to seek endorsement from constituents and stand for a seat in this parliament. This should be encouraged and not restricted, as is the case in this legislation. This is not a new policy announcement, as the member for Ashgrove was squawking about in here before. This has been a long-held belief of the LNP and we have debated it in this House. It is wrong for the member for Ashgrove to come in here today and say that this is all new. The member for Gympie, the shadow minister—

Mr Stevens: Paranoia.

Mr BLEIJIE: It is absolute paranoia. It is wrong for the member for Ashgrove to come in here and say that the shadow minister has somehow dreamed up this new policy with the amendment that he has foreshadowed because this has been long-held LNP policy.

We heard in this place only yesterday the Premier talking about a convicted terrorist receiving a nomination for a literary award and having the potential to recoup a \$15,000 winning prize. The Premier has been reported as saying that this is a win for democracy. How can government members on the one hand believe in democracy for a convicted terrorist winning a prize as an author but on the other hand not believe in democracy for a person who is running for parliament? If we believe in democracy, we would believe in democracy for everyone—everyone is entitled to democracy. I have a fundamental belief that if you are willing, able and ready to stick up for your constituents and your communities then you should have the right to do so.

In the member for Ashgrove's nine-minute contribution, she talked relatively nothing about the legislation before the House but all about Campbell Newman. One thing I learnt in politics when I was growing up was that the worst thing you can do in politics is speak about your competitor. Obviously, the member for Ashgrove has not received that advice because she mentioned Campbell Newman more than her government or the Labor Party. I am happy for the Labor Party to have such an interest in Campbell Newman and to continually talk up Campbell Newman in this place.

Mr Stevens: Promote him.

Mr BLEIJIE: I am happy for the promotion. I am sure that, whilst Campbell is doorknocking in the electorate of Ashgrove—as he was two weeks ago in Laurel Street when the absurd attack happened again—he would not mind Labor Party members in this place speaking about him.

The member for Ashgrove was trying to draw an extraordinary connection to an amendment foreshadowed with respect to conflicts of interest with the LNP candidate for Ashgrove, Campbell Newman. The member for Ashgrove also has some things to answer in this place with respect to her campaign when she ran for the state seat. Was she not employed as a ministerial adviser to the member for Rockhampton, who was a minister at the time?

Mr Shine: What part of the bill is this?

Mr BLEIJIE: My question to the member for Ashgrove is this: if she was employed as a—

Ms Grace: Relevance.

Mr BLEIJIE: Let us talk about relevance now. I did not hear you call out relevance when the member for Ashgrove was talking about Campbell Newman.

Mr DEPUTY SPEAKER (Mr Kilburn): Order! How about you just keep going.

Mr BLEIJIE: Thank you, Mr Deputy Speaker, I will. The member for Ashgrove has some explaining to do, and I am happy and willing and able to listen. When she was employed as a ministerial adviser, did she take leave without pay? Did she cease working for the minister at the time when she ran for state election? If not, then it flies in the face of her argument in this place today.

Members opposite are talking about relevance, but they did not have much care for relevance during the nine-minute contribution from the member for Ashgrove. They did not pull the member for Ashgrove up when she was talking about these issues. I say this to the member for Ashgrove: come into this place and correct me if I am wrong, but tell me if you were employed by the minister at the time you ran for the state election. Did you in fact resign your position? Did you in fact take leave without pay? Did you use any ministerial resources or use that position to win that seat in this state parliament?

Mr DEPUTY SPEAKER: Order! Member for Kawana, this is not a place for you to stand here and ask questions. I have allowed a bit of latitude. Can you get back to the bill, please?


Mr BLEIJIE: Thank you, Mr Deputy Speaker. There are provisions in the bill that relate to fire safety in residential care buildings and also swimming pool barriers on common boundaries. In relation to fire safety provisions, these recommendations were identified from the Childers task force report as posing a high risk to life and an increased risk of multiple deaths in the event of a fire.

Can I place on the record as well on behalf of members in this place, as we have discussed today, my condolences to the family for the tragic loss of lives in Slacks Creek last night, with 11 lives lost. My heart goes out to the family of the 11 people who were killed in that terrible disaster and to the wider Logan community who will feel the pain of such a horrific event in their own backyard. I have been to Logan recently and I understand the close-knit nature of that community. They are of course in my prayers today.

I want to address the provisions in the bill that relate to swimming pool barriers on common boundaries. These provisions in the bill deal with pool fences on common boundaries and specifically how these relate to pool safety management compliance. This ensures that pool owners can modify existing dividing fences that form part of the pool safety, with constraint, without having to obtain the agreement of the adjoining owner. The implementation of this pool safety compliance has been an absolute dog's breakfast, although the intent of the legislation was sound, but we would expect nothing less from this government.

Some issues were raised at the time about these pool fencing compliance laws. I have an issue relating to one of my constituents in Kawana Forest who is selling a property. They are trying to sell their property and get a certificate for their pool but everything is out of their hands in terms of their neighbour's garden shed which abuts their fence. They also faced the ridiculous issue of a 90-millimetre gap from the pavers. They had to rip all of their pavers up and redesign the area, but I think you could barely get a rat under a pool fence gap of 90 millimetres.

In closing today, I reiterate the comments of the shadow minister for local government and support him in his recommendations and the amendments he has foreshadowed. I also again place on the record that if we are going to talk in this place about democracy then we must apply democracy at all levels. It should be a democratic process. I believe that people who are serving in a local government capacity and who feel the passion and the need to run for a higher level government in state government should have a right to do so. If we are talking about democratic principles and holding them dear to our heart, as some Labor Party members have been talking about in this place, then those members should support the amendment foreshadowed by the shadow minister for local government.

 **Mr STEVENS** (Mermaid Beach—LNP) (6.17 pm): I rise to speak on the Local Government Electoral Bill 2011 and make a short contribution. I concur with my LNP colleagues about concerns regarding certain aspects of the bill. These will be addressed by the shadow minister for local government, the member for Gympie, when each clause is thoroughly discussed later in the debate. I would like to congratulate the shadow minister for local government for his excellent contribution to the debate today.

The main purpose of the bill is to replace four legislative instruments with one only. The electoral sections contained in the Local Government Act 2009 are transferred over to this bill, as are the relevant electoral provisions in the repealed City of Brisbane Act 1924 and the Brisbane City Council provisions in the Electoral Act 1992. The other statutory instrument that contains electoral provisions that are modified and included in this bill are from the Local Government (Community Forums) Regulation 2008. These relate to a particular model that involves council appointments.

The most significant object of the bill is to move the responsibility of the management, conduct and administration of local government elections over to the Electoral Commission of Queensland for local governments. This brings it into line with the arrangements that are in place by the ECQ for state elections.

027 This particular change was a recommendation that the then Law, Justice and Safety Committee agreed to in the review of local government laws. As a member of that committee and of course as a former mayor of Gold Coast-Albert and a nine-year servant in local government, I could see the very many positive benefits that that would have on the overall management of local government elections. I could also see the negative impacts it could have on some local governments. The bill before the House today is based on the report from the Law, Justice and Safety Committee titled *A new Local Government Electoral Act: review of the local government electoral system (excluding BCC)*, which was tabled in the parliament on 29 November 2010. In that report there were 33 recommendations from the committee and there was a dissenting report on recommendations 32 and 33 from the conservative members—the LNP members—of that committee that related to the abhorrent politicisation of the whole process of that review by one particular member who saw it in their own political interests to try to put in compulsory preferential voting as part of the voting system to protect their own backside in their own particular seat.

Fortunately, that was a recommendation from the Law, Justice and Safety Committee that was rejected by the Bligh Labor government—to my surprise, to be honest. I thought it would be an absolute monty that it would clutch at every opportunity to move to compulsory preferential voting. To this day I am gobsmacked as to why those opposite did not run with the ball. There will be some members, particularly those with large Greens votes, who may be ruing the day they did not take the ball and run with it when they had that opportunity, to use a rugby term that the minister might be familiar with. That being the case, I would say it had good, strong advice from its media colleagues. It would not be able to sustain that sort of corruption of the electoral process, so it walked away from what I thought was a monty and—to my great surprise—we still have the optional preferential system coming into the forthcoming election. The LNP with its vote 1 policy will be very pleased to continue the great work that Terry Mackenroth introduced in putting that ‘just vote 1’ policy in place across Queensland. I hope that the Labor Party continues in that great tradition that Terry Mackenroth started in putting ‘just vote 1’ for all of the Labor constituencies across Queensland, because I am sure it will enjoy that ‘just vote 1’ when it starts counting the preferences from its Greens friends after the election.

I certainly was not going to venture into the realms of conflicts of interests and other matters in relation to a policy that the LNP has had—a policy of fairness and justness—in that it has always believed that a person has a right to run for a seat in this very esteemed state Parliament House. The Labor Party keeps bringing out its book of tricks in terms of elections, and I think this again goes back to ‘The Fox’s’ era. He thought, ‘They’re all Tories coming through the local government area and taking a seat in parliament. We get ours from the union movement or from the advisers around the place. We’ll stop these councillors from running for state or federal government positions.’ The courts stopped it from doing that. The courts said, ‘You cannot do that for the federal parliament.’ The courts identified exactly the purpose for which it was brought in—more Labor Party trickery—and they threw that out on the basis that this state government in its legislation had no capacity whatsoever to put in place rules that would apply to the federal government. That was constitutionally incorrect—boom, boom!

It has continued at all stages to run with the hypocritical rhetoric that we get in this House—that is, you cannot run for state parliament while you are a councillor—yet the Labor Party is very happy for Councillor Kerry Rea to be supported with all of the Labor Party resources and all of the council resources while she is on Brisbane City Council to run for federal parliament and win—different standards, total hypocrisy, all about political elections, all about trying to win and nothing to do with the fairness or the justness of people being allowed to run for this hallowed place that we are in. When I was on council, workers or union reps were allowed to run for council. They take leave from their union job to run for council—totally fair, totally appropriate and there is nothing wrong with that.

Mr Elmes interjected.

Mr STEVENS: Yes, absolutely. Quite clearly we are putting in place two standards. The Law, Justice and Safety Committee, which was a bipartisan committee with Labor members and LNP members, voted to let councillors run for state parliament with clear-thinking, intelligent, fair and just Labor members voting for that proposal. Yet the Labor Party in its absolute determination to win power at any cost ignored its own members and said, ‘We’re going to win at all costs, so we’re not allowing councillors to run for state parliament.’ It is going to continue with this nonsense in terms of banning appropriate candidates from running for state government. That committee received plenty of submissions on this issue. I looked at them tonight and there were three folders full of submissions that we took on these matters. The other recommendation which was totally ignored by this government was an increase in numbers in country and rural councils. Unfortunately again, because in some cases there are only four members, some councils would not get a quorum to run their meetings through sickness or absence. That recommendation from the Law, Justice and Safety Committee was also refused by the government in ignoring the plight of western councils. The bill before us is basically about electoral

provisions in the cities. For those areas it works absolutely just fine. I can remember in the Albert shire days our CEO used to organise the running of the elections.

Mr Watt: Your glory days!

Mr STEVENS: They were glory days. If the member wants to talk about the Albert shire, he should ask people about deamalgamation. I get sick of people saying, 'Bring back the Albert shire.' I get sick of people saying that and that is the success of the amalgamations that this government has been at the forefront of pushing through. All of them have been a disaster. I ask the Minister for Local Government to jump up and tell me what a great success the Gold Coast City Council is in the eyes of Gold Coast residents at the moment, because—

Mr Lucas: I think that's got more to do with the people they elected.

Mr STEVENS: That is exactly what the commissioner said. That is exactly what the commissioner said about amalgamation at the time. I will not refer to him by name, but he knows who he is. He said, 'When I pointed out the skyrocketing staff and the skyrocketing costs that happened after that amalgamation and the fact that people don't get any say anymore and it loses all its local government aspects, it could have been good.' If his father had wings, he could have been a fairy! The reality is you deal with the product that you get in local government. I do not believe for one second—

Mr Lucas: Well, they chucked you out. Was that a good decision or not?

Mr STEVENS: I take the minister's interjection. I do not believe for one second it was a great decision at all to amalgamate the Albert shire into the Gold Coast. I never have. This decision was made through no choice of the councils. There could have been a change in boundaries, but to put them all in together created two different points of interest. That has been the problem with all of the amalgamations since we moved to amalgamations at the minister's insistence. The problem is that there are varied interests from all of these areas right across Queensland, not just in the Gold Coast region. There are different interests that are served by different councils and they are served by local councils that can deliver the local product. It is a wonderful whipping boy for state governments right across the land—Victoria, New South Wales and South Australia. We have seen them all be whipping boys before, but quite clearly from the state government's point of view I would not think that bringing it down to 72 local councils is one of the great successes of this Labor government. I am sure there will be quite a few people in February or March next year—whenever we go to the polls for council elections—

(Time expired)

Sitting suspended from 6.30 pm to 7.30 pm.