

Question on Notice
No. 418
Asked on Tuesday 28 March 2006

MR MALONE asked the Minister for Environment, Local Government, Planning and Women (MS DESLEY BOYLE)—

QUESTION:

With reference to the Government's Code of Conduct recently imposed on local governments—

Will she explain why constitutionally recognized and democratically elected councillors face censure or reprimand for talking to the media about council policies in relation to matters of public interest in a manner which allegedly breaches the code?

ANSWER:

The code of conduct legislation, the *Local Government Legislation Amendment Act 2005* received widespread support, including bipartisan support in Parliament, for its contribution to the standard of local government in Queensland.

The legislation not only requires local governments to have a code of conduct for councillors but encourages them to adopt their own code of conduct. It also provides for a model code which councils may adopt and which is a fallback for any council which does not adopt its own code.

The model code has not been imposed. Rather, councils have chosen to accept it instead of developing a code of their own. Most councils around Queensland have made this choice and have been assisted by the Department of Local Government, Planning, Sport and Recreation through a training program of 54 one-day workshops attended by almost 700 participants.

The model code does not limit the communications a councillor may have with the media. Indeed, councillors have the right of any citizen to free speech. However, the model code sets in place certain standards which should guide councillors in these (and other) situations.

The general intent of these standards is that the public should have confidence in the local government and the good rule and government of its area. This is equivalent to the Code of Ethical Standards for Members of the Queensland Parliament.

As with State Parliament, councillors are not prevented from talking to the media about council policies *per se*. However, the model code says, for example, that councillors must, in communicating with the public, make clear that the position they state on an issue is a personal view rather than the council's official position, unless they are communicating an adopted policy or resolution of the council.

If any councillors consider they have been unfairly treated in the application of the model code, I would be interested to know. Councillors in this situation have access to judicial review and may also seek to have the matter investigated by the Queensland Ombudsman.