

LOCAL GOVERNMENT BILL 2009

Minster Desley Boyle Second Reading Speech

Mr Speaker,

I move the Bill be now read a second time.

As Minister for Local Government in 2006, I initiated the review of the *Local Government Act 1993* which was an important step forward in developing a contemporary, new governance model for councils in this State.

I am pleased to return to this portfolio, and to stand before you today to present the results of this hard work by many people in the department and in local government to the House.

Developed in partnership with councils and communities, the Bill signals a new and exciting era for local government in Queensland and it delivers on the Bligh Government's commitment to create and support stronger communities right across our State.

The world has changed since the Local Government Act was developed and enacted some 16 years ago.

Today's local government system delivers a more diverse range of services and infrastructure than ever before, and it operates in a complex business environment, encompassing Aboriginal and Torres Strait Islander communities, urban, rural and remote lands.

The environment of public administration has also changed, and ratepayers today rightly expect high standards of accountability.

They want transparency in decision-making and they expect their councils to look over the horizon and plan for future generations.

Residents not only want to understand how local government processes work, but also want to

know who is accountable for the delivery of services.

In accordance with these expectations, this Bill is the product of two- and-a-half years of hard work and collaboration between the Labor State Government and local government stakeholders.

I would like to pay special tribute to the Local Government Association of Queensland and Local Government Managers Australia for their participation as the peak bodies, along with unions representing local government employees.

All have made an invaluable contribution to this Bill's development, and to the robust system of local government in Queensland.

Because of their work and advocacy, local government in Queensland is among the best supported and serviced in Australia.

In this spirit, the community engagement process has been exhaustive. There have been some 42 information sessions with over 700 mayors, councillors, senior staff and other stakeholders since the Bill was first introduced last October.

Another 30 meetings have also been held with councils, to listen to their views about their local issues.

As a result, the Bill before the House today clarifies provisions relating to the responsibilities of mayors and chief executives.

This includes:

- Removing grey areas in what constitutes local government beneficial enterprises;
- Improving flexibility in engaging with Indigenous communities in relation to Deed of Grant councils and community business; and
- Introducing council auditing, in addition to the requirements of the Auditor-General.

Importantly, the *Local Government Bill 2009* articulates Queenslanders' expectation that their elected representatives will look after the interests of all residents.

While the Bill includes a number of provisions regarding mandatory compliance for a minimum

standard – such as in planning and finance management matters, it is “principles-based”.

This gives local governments the flexibility to develop their own operational procedures and processes, or better still, to set their standards higher.

With the new Bill being principles-based, most of the prescription of a process in the current Act has been removed. This will make the new legislation easier to understand and navigate, sufficiently comprehensive to apply to all local governments, but flexible enough to recognise that one size does not fit all.

While matters relating to Indigenous regional councils have largely been carried over from the 1993 Act and amendments made in 2007, this Bill removes the mandatory requirement for community forums.

Discussions with Indigenous Regional Councils identified the arrangement was burdensome and unnecessary in some cases.

The principle of ‘democratic representation, social inclusion and meaningful community engagement’ encompasses the original intent of the forums, so the community’s input into land trust decisions remains protected under the new legislation.

In lieu of rates, the Bill provides Indigenous local governments with the power to make and levy a fee on residents living on deed of grant-in- trust land. And, to ensure openness, the councils must make the fee by resolution.

I am pleased to inform the House that there is a provision enabling local governments to consider Aboriginal tradition and Torres Strait Island custom.

This is significant recognition of all Indigenous peoples living in Queensland.

Mr Speaker, the Bligh Government will continue to be an active partner and champion of local government. We will assist and support councils to provide the best possible services and infrastructure to Queenslanders.

During the development of the Bill, many councils indicated they would continue using State-developed model local laws. These laws, covering areas such as cemeteries, parks/ reserves and control of pests, are of high quality and remove the need for councils to re-invent the wheel.

For larger councils, they have the flexibility to manage their own community consultation, development and approval process.

The intent here is to remove bureaucratic red tape, while getting the balance right and ensuring there is accountability, transparency and public value.

In the same context, State Government, through the Constitution of Queensland, acknowledges the vital role local government plays in serving the needs of Queenslanders.

And councils will not be left to fend for themselves. There will be a range of supports available to assist them fulfil their statutory roles and obligations.

At the end of the day, however, the performance of the local government system remains the State's constitutional responsibility. That's why the Minister for Local Government must have the ability to address serious performance or accountability issues quickly.

Through the Local Government Bill 2009, the Minister can require a council to provide information that will allow me, on behalf of Queenslanders, to monitor and evaluate whether a council is complying with its obligations and performing its legal responsibilities.

The Bill will provide real consequences if a local government struggles to meet its obligations, with a continuum of intervention available to minimise risk of failure.

The Minister will be able to require councils to take early action to rectify whatever is the problem, such as revocation of a non-compliant resolution or local law. In addition to being able to appoint a financial controller, I will now be able to appoint advisors to correct problems in councils.

The Bill provides clear principles, roles and responsibilities and more effective penalties. The code of conduct has been replaced with a new system for dealing with complaints about councillor misconduct and poor performance.

Inappropriate meeting conduct by councillors, for example, will be dealt with locally by new powers for mayors to warn and suspend the councillor, similar to the Parliamentary Speaker's role.

But that's not all, Mr Speaker. A formal investigation process will be in place, enabling serious allegations against councillors to be investigated by independent Regional Conduct Review Panels and more serious or repetitive poor performance will be dealt with by the new State Local Government Remuneration and Discipline Tribunal.

The panels and the tribunal will be able to use a range of penalties, from mediation and fines, to issuing warnings or suspending allowances.

In serious cases of misconduct, the Minister for the Local Government will be able to recommend to the Governor in Council the suspension or dismissal of an individual councillor. This new power is widely supported by stakeholders and is fairer than the status quo of dismissing an entire council because of the performance or misconduct of a few. The Minister will retain my power to recommend to the Governor in Council to dissolve a council when the situation presents no other alternative.

To ensure high performance and integrity, I inform the House that we will apply to local government the standards of the Bligh Government's Register of Lobbyists and the Lobbying Code. To ensure its appropriate application to local government, there will be consultation over coming months, with the aim of having amendments incorporated before the end of the year.

Mr Speaker, consistent with the *Constitution of Queensland 2001*, the Bill provides a legal framework for an effective, efficient, sustainable and accountable system of local government.

The Bill provides the structure under which local governments can make decisions in the public interest. Councils will be responsible for their community's involvement in democratic representation, social inclusion and meaningful community engagement. They must practise good governance and ensure the ethical and legal behaviour of councillors and officers.

Under the Bill, the *Local Government (Community Government Areas) Act 2004* is repealed, and the governance framework for the 12 Aboriginal Shire Councils will be subject to the same legislative provisions as other councils.

The intention is to supplement the new act with a concise set of new regulations, and there will again be extensive consultation.

This consultative approach will also be used in developing subordinate legislation and completing remaining legislation, such as the *City of Brisbane Act 1924* and the new Local Government Electoral Act, and these will get underway this year, following passage of the Bill.

Mr Speaker, the Bill has been drafted to provide transitional arrangements so legal, employment, and other aspects will continue uninterrupted.

The Bill also provides consistency across the statute book by consequentially amending other legislation. Included among these are amendments to the *Animal Management (Cats and Dogs) Act 2008*.

Honourable Members will recall this Act was passed with bipartisan support late last year.

The amendments do not change the original policy intent underpinning the Act. Several of them – although technical in nature – are nevertheless critical to ensuring the smooth implementation of the *Animal Management (Cats and Dogs) Act 2008* from 1 July this year.

The rationale for each amendment is dealt with comprehensively within the explanatory notes accompanying the Bill.

The level of interest and engagement demonstrated by local government and communities in developing this important piece of legislation proves to me they are committed to the most modern, forward and progressive local government Bill possible.

Mr Speaker, this year marks the 150th anniversary of Queensland and our local government system which began with the proclamation of Brisbane as a municipality on 6 September 1859. This Bill today is an historic opportunity to deliver a new statutory framework for local governments.

One of the differences between this Bill and the old Act was the latter's recognition of the Local Government Association of Queensland. Such is the corporate strength, range and effectiveness of the LGAQ that this prescription is no longer needed today.

I look forward to working with each council and local government peak body, including the Local Government Association of Queensland, to complete our reform program and deliver a strong and sustainable system of local government in Queensland.

I commend the Bill to the House.