

~~Mackay Sugar's other mills. It is expected that there will be sufficient Bagasse stored at the end of the crushing season to operate the cogeneration facility for approximately three months after the end of the crushing season.~~

~~When the Bagasse supplies have been depleted, the boiler will then be fuelled by coal. Coal is currently purchased from Blair Athol Coal Pty Ltd and Mackay Sugar is extending this contract to receive coal from Blair Athol Coal Pty Ltd's new Clermont mine in the future.~~

~~That is a real step forward and cements again the green credentials of the sugar industry on top of the trash blanketing system that it has in place. It has been interesting to be in the parliament in the last couple of days while the state government has made much of its solar power project. We all believe that solar power is a step forward. The interesting claim that it will save the building of one power generator in Queensland I think is a bit over the top. The fact of the matter is that solar power is a great source of green energy but at the end of the day when the lights go out and the sun goes down there has to be a back-up power source. The bulk power source that we currently have is mostly coal fired. Right through Europe there is a reliance on solar power and wind generation and it does not go well in the middle of winter when there is no sun and very little wind. I would be a little cautious in the claims that are being made by this government in terms of its solar power projects. With those few words I support the bill.~~

023

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

## CITY OF BRISBANE BILL

### Message from Governor

**Hon. D BOYLE** (Cairns—ALP) (Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships) (2.38 pm): I present a message from Her Excellency the Governor.

The Deputy Speaker read the following message—

MESSAGE

CITY OF BRISBANE BILL 2010

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to provide a system of local government in the City of Brisbane, to amend the Electrical Safety Act 2002, the Information Privacy Act 2009, the Local Government Act 2009, the Right to Information Act 2009 and the Workplace Health and Safety Act 1995 for particular purposes and to make minor or consequential amendments of the Aboriginal Land Act 1991, the Airport Assets (Restructuring and Disposal) Act 2008, the Brisbane River Tidal Lands Improvement Act 1927, the Building Units and Group Titles Act 1980, the Electoral Act 1992, the Fair Trading Act 1989, the Fair Work (Commonwealth Powers) and Other Provisions Act 2009, the Fire and Rescue Service Act 1990, the Industrial Development Act 1963, the Industrial Relations Act 1999, the Judicial Review Act 1991, the Land Act 1994, the Libraries Act 1988, the Metropolitan Water Supply and Sewerage Act 1909, the National Trust of Queensland Act 1963, the Public Sector Ethics Act 1994, the Racing Venues Development Act 1982, the South Bank Corporation Act 1989, the Urban Land Development Authority Act 2007 and the Valuation of Land Act 1944.

(Sgd)

GOVERNOR

Date: 15 APR 2010

*Tabled paper:* Message, dated 15 April 2010, from Her Excellency the Governor recommending the City of Brisbane Bill 2010.

### First Reading

**Hon. D BOYLE** (Cairns—ALP) (Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships) (2.41 pm): I present a bill for an act to provide a system of local government in the City of Brisbane, to amend the Electrical Safety Act 2002, the Information Privacy Act 2009, the Local Government Act 2009, the Right to Information Act 2009 and the Workplace Health and Safety Act 1995 for particular purposes and to make minor or consequential amendments of the Aboriginal Land Act 1991, the Airport Assets (Restructuring and Disposal) Act 2008, the Brisbane River Tidal Lands Improvement Act 1927, the Building Units and Group Titles Act 1980, the Electoral Act 1992, the Fair Trading Act 1989, the Fair Work (Commonwealth Powers) and Other Provisions Act 2009, the Fire and Rescue Service Act 1990, the Industrial Development Act 1963, the Industrial Relations Act 1999, the Judicial Review Act 1991, the Land Act 1994, the Libraries Act 1988, the Metropolitan Water Supply and Sewerage Act 1909, the National Trust of Queensland Act 1963, the Public Sector Ethics Act 1994, the Racing Venues Development Act 1982, the South Bank Corporation Act 1989, the Urban Land Development Authority Act 2007 and the Valuation of Land Act 1944. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

*Tabled paper:* City of Brisbane Bill.

*Tabled paper:* City of Brisbane Bill, explanatory notes.

**Mr DEPUTY SPEAKER** (Mr Wendt): Before calling the minister, I would like to acknowledge in the gallery members of the Hillcrest Slimmers group.

## Second Reading

**Hon. D BOYLE** (Cairns—ALP) (Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships) (2.34 pm): I move—

That the bill be now read a second time.

Reviews of the Local Government Act 1993 and the City of Brisbane Act 1924 were initiated when I was the minister for local government in 2006. So it is with pleasure that I inform the House the new Local Government Act 2009 received assent on 12 June 2009 and will commence on 1 July 2010. Today I introduce a bill for the City of Brisbane to parliament. Both these new statutes provide for contemporary governance for the councils of Queensland.

The new City of Brisbane Bill 2010 is the result of hard work by officers of the department's Local Government Services and Brisbane City Council. Through this hard work I believe we have got the balance right between Brisbane City Council as Queensland's largest local government and Brisbane City Council as a major corporation providing infrastructure and services for over one million people. This bill will strengthen and support the council and provide it with greater capacity and flexibility to serve the people of Brisbane.

The current City of Brisbane Act is 86 years old, so it is clearly out of date for a progressive and fast-growing city in 2010, especially one that seeks to be Australia's new-world city. Though Brisbane was proclaimed a municipality on 6 September 1859, Brisbane owes its status as Queensland's capital city to custom rather than statutory authority. This bill gives formal legislative acknowledgement to Brisbane as our Queensland capital, appropriately so as it is the largest local government in Australia and so warrants this stand-alone legislation.

Though modelled on the Local Government Act 2009, this bill also contains updated provisions from the old City of Brisbane Act which are unique to Brisbane City Council, such as the City Botanic Gardens and Brisbane River crossings. Important provisions in the Local Government Act 2009 that will also apply to the Brisbane City Council in the bill include a principles based approach, a chief executive officer with defined responsibilities, and requirements for long-term financial planning and reporting. The principles based approach gives Brisbane the flexibility to develop its own policies, operational procedures and processes, and it also makes the new legislation more user-friendly for council practitioners, residents and ratepayers.

Brisbane ratepayers today rightly expect high standards from their elected representatives. From time to time, Brisbane residents want to understand how council processes work and they also want to know who is accountable. As a result, the bill before the House today clarifies the responsibilities of the mayor, councillors and the chief executive officer. The existing 1924 act was written for its time. Brisbane is now a totally different city.

Where powers and responsibilities of the mayor and councillors were once poorly defined, they have now been spelled out and strengthened. The mayor's responsibilities include leading and controlling the business of council, preparing and presenting the budget for adoption, managing the strategic direction of the council and, with the chief executive officer, achieving a modern, responsive and sustainable administration. Importantly, the City of Brisbane Bill 2010 supports the wider community's expectation that its elected representatives will look after the interests of all residents in an open and transparent manner.

To ensure a continuation of the highest standard of transparency and accountability by councillors, the bill retains provisions and serious penalties relating to the misuse of information to cause detriment to the council. Detriment here is not about political embarrassment, or disagreements between councillors; neither is it about matters that are and should be in the public domain. It is right that there is public debate about the positives and negatives of council's projects, plans and policies. This is in the public interest and this will not trigger the misuse of information provisions.

To cause detriment to the council has been clearly defined in the bill to include: to sabotage a lawful process of the council, including adopting a budget or conducting a tender process, for example, or; to cause the council to suffer a loss in its lawful performance of a function or commercial activity, including the loss of a future contractual arrangement, for example. I am advised that Brisbane city councillors are currently able to view commercial-in-confidence material such as tenders and contracts. This is continued in the new bill.

Apart from senior executives, the chief executive officer is responsible for appointing council staff and can direct and take disciplinary action against workers. When and what type of disciplinary action may be taken will be prescribed by regulation. A regulation will also cover employee discipline appeals.

The Department of Infrastructure and Planning will continue to work closely with stakeholders to develop a regulation that protects the rights of council employees whilst recognising the needs of the council. The bill recognises the importance of councillors being able to access council information relating to their own ward and supports councillors in their representation of constituents. This bill makes it clear that councillors have rights to access information. However, with those rights come responsibilities about the use of this information.

024 By empowering the chief executive officer to decide what requests for information and advice are reasonable, councillor access to information has been balanced with the need to ensure the administration is not overly burdened and confidential information is not released. Acceptable request guidelines will be adopted by the council to support this.

Following a request from the Lord Mayor, Brisbane City Council will be exempted from requirements under the Right to Information Act 2009 for documents created in the course of local government budget deliberations. During the budget process, council considers a range of options and possible projects as they work towards reaching a balance between income—with its impacts on ratepayers—and expenditure, capital works programs and employment generation. Though this issue was brought to my attention by the Lord Mayor in relation to Brisbane's budgetary processes, the provision under RTI will apply to all local governments in Queensland. This provision is endorsed by the Local Government Association of Queensland.

The bill recognises the Brisbane City Council's Establishment and Coordination Committee. This is a reflection of the unique size and status of BCC. The bill also amends the RTI Act given the recognition of the Establishment and Coordination Committee. Committee information will be exempt for 10 years after its relevant date. Exempt information includes the committee's submissions, briefing notes, agendas and minutes. In balancing these exemptions, the public will have access to information through an amendment to the Right to Information Act 2009. This will allow for the development of publication guidelines about available information of or about the council's Establishment and Coordination Committee.

At the end of the day, the performance of the local government system remains the state's constitutional responsibility but the complexity of the Brisbane City Council, its party political nature and its continuous strong performance over many decades mean the Minister for Local Government requires few powers of intervention. The minister may, however, require Brisbane to provide information to monitor and evaluate council's compliance with its obligations and legal responsibilities.

The local law-making process includes a state interest check and new local laws will have to be approved by the minister prior to gazettal. This is also reflected in an amendment to the Local Government Act 2009 to ensure sound local laws across the state.

To reduce and streamline the legislative burden, the City of Brisbane Bill repeals the Brisbane City Council Business and Procedures Act 1939, the Local Government (Chinatown and the Valley Malls) Act 1984, the Local Government (Queen Street Mall) Act 1981 and the Australian Estates Company Limited, Hastings Street, New Farm Viaduct Authorisation Act 1962. Any relevant, continuing provisions from these repealed acts that apply only to the Brisbane City Council are covered in the new legislation.

Electoral provisions contained in the repealed City of Brisbane Act 1924 and electoral provisions relevant to the Brisbane City Council in the repealed Local Government Act 1993 have been continued and will apply to Brisbane City Council elections. These operate with the Electoral Act 1992 and provide for elections, 26 councillors and a directly-elected mayor.

Mr Deputy Speaker, I would like to let you know that following discussions with the Local Government Association of Queensland, an amendment will be made to the Local Government Act 2009 to clarify the parameters of the material personal interest provisions. This amendment makes it clear in the definition of an 'ordinary business matter' that a person does not have a material personal interest merely because they are a member of a non-profit, charitable or religious organisation involving no personal financial gain or loss to the person.

In response to concerns about what constitutes family in relation to material personal interest declarations, the legislation will now stipulate that this is a parent, child, sibling or partner and should therefore only very occasionally require the councillor to withdraw from participation in council business. The bill presented today provides for a new, modernised statutory local government framework for the City of Brisbane. This is an important step forward for Australia's premier growing capital city. I commend the bill to the House.

Debate, on motion of Mr Nicholls, adjourned.