

~~the shadow Treasurer mention anything about spending for Indigenous communities. Members, am I wrong?~~

~~A government member: No.~~

~~Ms STRUTHERS: No—no mention of that. That is a very serious and important area.~~

~~Mr DEPUTY SPEAKER (Mr O'Brien): Order! Minister, you must refer your comments through the chair.~~

~~Ms STRUTHERS: There is a \$10,000 grant for new homebuyers. Yes! A big tick. This budget passes the test in relation to helping people with their housing costs. There is zero stamp duty for first home buyers buying a home under \$500,000. First home buyers will walk out of a bank, put a contract on a house and they will receive up to \$17,000 in savings through the grants that we are offering and the stamp duty relief.~~

~~Does the budget boost services in education, police and health—those key areas? Again, it passes the test. Yes, there is \$50 million to upgrade schools, \$328 million to move year 7 to secondary school, 600 new police officers over three years and a record Health budget. There is also a record mental health budget. What have the others offered? All we have heard from the shadow spokesperson for health—and we have not heard anything from the Treasurer in relation to mental health—is offering volunteer workers. This is 2011. We have sophisticated approaches to dealing with people with mental health issues and they want to offer volunteers. Volunteers do a great job, but we need trained personnel who those volunteers can work with as a matter of priority and that is what our mental health plan is doing—funding more front-line workers, trained specialists in this area.~~

~~In my local area, the benefits will include \$1 million to kick start work on a new—I was going to call it an on and off ramp. I do not know the technical names of these roadwork projects, but when you are going down Beaudesert Road and you want to turn right on to the Logan Motorway it has become quite a hazard. So I have been fighting hard for that ramp. The minister, Craig Wallace, has thrown a million dollars into the bucket to get a study underway to fix that hazard on Beaudesert Road. So motorists and residents in my local area will see great benefit from that funding.~~

~~My constituents and I also benefited from the education initiatives. We have given a big priority to early education in particular. My son, Alex, is now in prep. Guess what? He is learning to spell. Guess what? Yesterday when I rang him after he had come home from school he said, 'Mum, we learned the letter "G".' When I asked, 'Do you know what word starts with "G"?' he fired up, because he loves Star Wars and said, 'Galaxy.' He was so proud that he is learning to spell. He actually spelt 'dog'. That brought a little tear to my eye. He went 'D o g' and he is only in prep. The learning opportunities that our kids are getting under a Labor government are magnificent. We are committed to early education. We are committed to giving young people in this state a flying start in education. The LNP members need to come clean on what they are going to do—what they are going to cut, what areas they are going to cut, what jobs they are going to cut, what programs they are going to cut—because all they have given us is slogans.~~

~~Sitting suspended from 1.00 pm to 2.30 pm.~~

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

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LOCAL GOVERNMENT ELECTORAL BILL

First Reading

 **Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (2.30 pm): I present a bill for an act relating to local government elections, to amend this act, to amend the Animal Management (Cats and Dogs) Act 2008, the Building Act 1975, the City of Brisbane Act 2010, the Local Government Act 2009, the Mixed Use Development Act 1993, the Neighbourhood Disputes Resolution Act 2011, the Public Trustee Act 1978, the Queensland Civil and Administrative Tribunal Act 2009, the Sanctuary Cove Resort Act 1985, the State Penalties Enforcement Act 1999 and the State Penalties Enforcement Regulation 2000 for particular purposes and to make consequential and minor amendments to the Electoral Act 1992, the Criminal Code and the Information Privacy Act 2009. 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: Local Government Electoral Bill.

Tabled paper: Local Government Electoral Bill, explanatory notes

Second Reading



Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (2.31 pm): I move—

That the bill be now read a second time.

I am pleased to introduce the Local Government Electoral Bill 2011. This bill provides for the conduct of all local government elections in Queensland and represents the final stage of the review of local government legislation started in late 2006.

The substantial review, culminating in the new Local Government Act 2009, the City of Brisbane Act 2010, their subordinate regulations and now this bill, highlighted the need for new stand-alone local government election legislation. This stand-alone legislation will provide an act that is user friendly for candidates and the community, and practitioner friendly to councils and electoral officers. The act will be a one-stop shop for the conduct of local government elections, consolidating the current local government electoral provisions from four legislative instruments into one, reducing the legislative burden on local governments.

In developing this stand-alone piece of legislation, the government has listened to what local government, stakeholders and the community were saying, particularly in their responses to the Law, Justice and Safety Committee's inquiry into the local government electoral system. This report, and the government's response, forms the policy basis of this bill. The message coming through was loud and clear: the community wanted an efficient and transparent electoral framework. To ensure community expectations of efficiency, transparency and integrity are met, the new bill moves responsibility for the conduct of all local government elections to the Electoral Commission of Queensland. By giving the Electoral Commission a mandate to oversee and administer all local government elections we will be creating an independent, central point of coordination and administration.

The 2008 local government elections conducted by the Electoral Commission of Queensland demonstrate the commission's ability to conduct local government elections with efficiency and integrity. Similar to the 2008 quadrennial election, councils will be invoiced individually on the basis of the actual costs incurred for their election and a share of the cost of centrally administered services.

Some councils and their representative bodies have raised concerns about the costs associated with the ECQ conducting all local government elections, which will necessarily cost more than they did in 2008. The increase in electoral costs is attributable to wage and CPI increases since 2008, as well as the cost of a dedicated local government electoral unit within the ECQ to manage all local government elections including quadrennial elections, fresh elections and by-elections. This replaces the role that CEOs previously performed as returning officers across 73 councils.

It has been clear in consultations since 2007 that it is an untenable position for councils to continue to conduct their own elections with the CEO acting as the returning officer. This arrangement puts the returning officer in the precarious position of having to make decisions about their employer while having to consider the possible impact such a decision may have on the CEO's tenure. Removing the role from CEOs will allow them to focus on the day-to-day operations of council, including the delivery of key services to the community under the stewardship of councillors, and to keep their focus on rebuilding efforts in their local government area in the case of councils affected by recent natural disasters.

I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

But, community expectations of integrity and transparency in the democratic process are the pre-eminent considerations here, demonstrated no more clearly than in the bi-partisan recommendation to Government of the Parliamentary Law, Justice and Safety Committee, coming out of its comprehensive inquiry into the conduct of Local Government elections, that all Local Government elections be undertaken by the ECQ.

Importantly, Councils will be able to discuss with the ECQ potential opportunities for cost savings in the conduct of their elections. The Bill will provide a degree of flexibility for Councils and the ECQ to work together to support cost savings.

With the ECQ conducting Local Government elections the community can have full confidence in the continuing integrity of electoral arrangements, including the transparency of funding and disclosure arrangements.

The Bill retains many elements of the original Local Government election legislation that stakeholders and the community believe to be vital elements of an efficient and transparent electoral framework.

These elements include:

- the direct election of Mayors;
- the requirement that Councillors resign to contest a seat in State or Federal elections; and
- the prohibition of dual candidacy.

Where possible, this Bill reflects the requirements of the (state) *Electoral Act 1992*. The Bill also provides for absent voting where electors will now be able to cast their vote outside their local government division, but within their local government area for divided councils.

In acknowledgement of strong stakeholder support, existing voting systems have also been retained. Optional preferential voting is continued for a Local Government area divided into single-member divisions and first-past-the-post voting in undivided council areas.

I am introducing some further key changes in the new Local Government Electoral Bill to meet community expectations of efficiency, transparency, and integrity in their Local Government elections.

The candidate nomination fee for a Local Government election will be increased from \$150 to \$250. This aligns with the fee requirements for candidates nominating in a State election. This will keep it affordable to nominate while hopefully reducing the number of frivolous nominations received.

Perhaps one of the most important changes as already mentioned, is that, except in exceptional circumstances, Council chief executive officers will not be appointed as returning officers. Appointments to the role of returning officer will now be the responsibility of the ECQ. This important change has been made to remove any perception that a conflict may exist between the roles of chief executive officer and returning officer.

After consultation with the Northern Peninsula Area Regional Council and the Torres Strait Island Regional Council, the Bill replaces existing arrangements for community forums under the *Local Government Act 2009* and the *Local Government (Community Forums) Regulation 2008* with an optional model which is the preference for these Councils.

The two Indigenous Regional Councils have been operating fully under the Local Government Act since 1 July 2010 and the community engagement requirements of the Act. The community forum provisions predate this and were originally enacted to provide a vehicle for community input into Council decisions after the 2008 amalgamation of the former Torres Strait Island Community Councils and Cape York Aboriginal Shire Councils into two Indigenous Regional Councils—the Northern Peninsula Area Regional Council and the Torres Strait Island Regional Council.

Under the Local Government Act, Councils have a range of options for community consultation which provide the flexibility they need to ensure all members of the community have their say.

Accordingly, the Bill will repeal the *Local Government (Community Forums) Regulation 2008* and amend the Local Government Act to provide that the Northern Peninsula Area Regional Council and the Torres Strait Island Regional Council can decide whether to establish a community forum and if so, may appoint members to a forum, both by a resolution of Council.

The changes will provide Councils with a greater level of independence but will be balanced with a community safeguard to fair appointments—that is, appointments will follow a call for expressions of interest and a merit based selection process. In the unexpected event of a problematic appointment, that is inconsistent with any law or the Local Government principles under the Local Government Act, the Minister will be able to use the existing State intervention power to revoke or suspend the appointment resolution.

This Bill, together with a review of statutes applying to Local Governments currently underway in the Department of Local Government and Planning, will complete the Bligh Government's implementation of a new, modernised, statutory framework for all Queensland Local Governments. They will indeed complete the most significant program of Local Government reform in our State's history.

Mr Speaker, the Bill also proposes amendments to the *Building Act 1975* regarding dividing fences for pools and fire safety in residential care buildings.

The *Neighbourhood Disputes Resolution Bill 2010* has been introduced into Parliament. It will replace the *Dividing Fences Act 1953* and provide a new legislative scheme for dividing fences and trees. This Bill specifically excluded dividing fences that also serve as pool barriers to ensure that the child safety measures arising out of the recent pool safety reforms are not affected.

There are over 300,000 pools in Queensland and it is common practice for owners to use existing dividing fences as pool barriers. Under the new pool laws, pool owners may be required to repair or upgrade existing boundary fences to comply with the new pool safety standard over the next 5 years.

These pool safety amendments make special provision for these fences by allowing pool owners in appropriate circumstances to construct and maintain a pool fence on a common boundary without the need to obtain consent from each of their neighbours. The amendments will also provide for circumstances where the fence is also used for other purposes, such as an acoustic barrier or a regulated dog enclosure.

Mr Speaker, the Government is serious about fire safety requirements for our most vulnerable people who live in Residential Care Buildings. Residential Care Buildings have been identified as posing a high risk in the event of a fire. As such, a new building code was adopted for buildings constructed after 1 June 2007.

After extensive research and consultation, the fire safety reforms, included in this Bill, adopt minimum fire safety requirements for residential care buildings constructed prior to 1 June 2007. They complete the Government's fire safety improvement program for high occupancy buildings.

Owners and operators of Residential Care Buildings will be given 3 years for high risk buildings or 5 years for low/medium risk buildings to upgrade their buildings. Additionally, they must obtain within the first 6 months an assessment of their building to determine what work is required for compliance and the risk category of the building.

The code will mandate new fire safety measures designed to protect residents. These include life safety sprinklers and smoke compartments which are designed to provide adequate fire suppression, which in turn helps to prevent the spread of fire and assist in evacuation of residents.

Local governments can extend the time to comply with the 3 and 5 year timeframes by up to a year, but only where they have consulted with the Queensland Fire and Rescue Service on the decision and any conditions imposed to keep residents safe while the building is being upgraded.

Mr Speaker, also amended in the Bill is the Mixed Use Development Act 1993. The existing Mixed Use Development Act pre-dates contemporary body corporate management frameworks under the *Body Corporate and Community Management Act 1997*. This interim package of amendments addresses a number of pressing equity issues for these communities resulting from the outdated management model.

This interim package of amendments introduces mixed use development communities to the concepts of more contemporary body corporate management.

Over the next few years, the Government will be consulting with these communities as part of a broader review of the Mixed Use Development Act, the *Sanctuary Cove Act 1985* and the *Integrated Resort Development Act 1987*, to transition these communities to more contemporary frameworks for planning, development and body corporate management.

Minor amendments proposed to the Sanctuary Cove Resort Act will enable amendment of the land use plan, which was always an intention of the reforms undertaken in 2009.

Finally, I have taken the opportunity in this Bill to make a number of consequential amendments to legislation in my portfolio.

The amendment to the *Animal Management (Cats and Dogs) Act 2008* will correct an anomaly in relation to lessees who own restricted dogs. The amendment reflects the original policy intent of section 103(3) which applies to lessees who own regulated dogs, that is people who are leasing a property and are owners of restricted dogs, declared menacing and declared dangerous dogs.

Amendments in the Bill to the *Public Trustee Act 1978* and the *State Penalties Enforcement Act 1999*, including the regulation under that Act, will effect necessary changes consequential on the commencement of the *Commonwealth Personal Property Securities Act 2009*.

The *Public Trustee Act 1978* is being amended to clarify that the Public Trustee can publish online information contained in the Public Trust Office unclaimed moneys register. This had previously been the case however an interpretation of the law has necessitated the legislative recognition of the historical practice. These amendments also provide that money held by the State does not become unclaimed money unless it has been in the State's possession for 2 years.

These consequential amendments will provide users with up-to-date laws.

Mr Speaker, I commend the Bill to the House.

Debate, on motion of Mr Gibson, adjourned.

~~WATER AND OTHER LEGISLATION AMENDMENT BILL~~

~~First Reading~~

~~ **Hon. KJ JONES** (Ashgrove ALP) (Minister for Environment and Resource Management) (2.35 pm): I present a bill for an act to amend the Cape York Peninsula Heritage Act 2007, the River Improvement Trust Act 1940, the Water Act 2000, the Wild Rivers Act 2005, the Water Resource (Gulf) Plan 2007, the Sustainable Planning Regulation 2009, the Water Regulation 2002 and to make consequential or minor amendments to particular water resource plans under the Water Act 2000. 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: Water and Other Legislation Amendment Bill.~~

~~Tabled paper: Water and Other Legislation Amendment Bill, explanatory notes.~~

~~Second Reading~~

~~ **Hon. KJ JONES** (Ashgrove ALP) (Minister for Environment and Resource Management) (2.35 pm): I move —~~

~~That the bill be now read a second time.~~

~~The Water and Other Legislation Amendment Bill 2011 provides amendments to a number of acts within my portfolio. These amendments will continue the government's drive to simplify and streamline environmental and natural resource regulation. This bill will integrate the current two stage water resource planning process and simplify economic development approvals for Indigenous communities in Cape York. It will also make it easier for category 2 water authorities to transfer to alternative structures, entrench the wild river rangers program in legislation and implement the government's commitment to improve Indigenous consultation on future wild river declarations.~~

~~This bill will amend the Water Act 2000 to establish a single process for water resource planning. Previously, water resource and operations plans were developed consecutively. Under this new legislation it will be done concurrently. This implements a key recommendation of an independent review of the water resource planning framework conducted by PricewaterhouseCoopers. It also responds to the stakeholder feedback received during that review.~~

~~These changes are a win for government efficiency and for the wider community. The existing water resource planning process was designed for first generation plans and assumes a blank canvas. However, plans are now in place across all of the state's major catchments, except the Wet Tropics, where a plan is under development. The process is now being redesigned to ensure efficient reviews of the plans. This will provide significant improvements to community consultation. For the first time the community will be able to comment on changes to strategic catchment wide goals and see what this means for individual water users.~~

~~Changes to community consultation will allow extra community involvement and scrutiny of planning proposals in instances where planning is particularly complex or of high community interest. There is also opportunity for streamlined consultation. This will be most useful in less complex plans where communities want to see work completed quickly, giving certainty to water users. It will also reduce uncertainty for water users by slashing the time taken for water resource plans and resource operations plans to be reviewed by up to two years. These significant time savings will first benefit~~