

## Infrastructure, Planning and Natural Resources Committee

### **LOCAL GOVERNMENT ELECTORAL (TRANSPARENCY AND ACCOUNTABILITY IN LOCAL GOVERNMENT) AND OTHER LEGISLATION AMENDMENT BILL 2016**

#### Department of Infrastructure, Local Government and Planning's response to submissions

Sub No.	Submitter	Sub No.	Submitter
1.	Paul Golle	22.	James and Laura Farrow
2.	David and Susan Frampton	23.	Confidential
3.	Crime and Corruption Commission (CCC)	24.	Junita Grosvenor
4.	Amity Point Progress Association Inc. (Amity Point PA Inc.)	25.	Michael Dale
5.	Brisbane City Council (BCC)	26.	Queensland Environmental Law Association (QELA)
6.	Cairns Regional Council (CRC)	27.	T. Malcolm and Barbara Armitage
7.	Sunshine Coast Regional Council (SCRC)	28.	Debbie Stone
8.	Southern Downs Regional Council (SDRC)	29.	Moreton Bay Regional Council (MBRC)
9.	Jan Eva	30.	Development Watch Inc.
10.	Albert Sutton	31.	Christina Hansson
11.	Madeleine Mionnet	32.	Gold Coast City Council (GCCC)
12.	Gwenda Casey	33.	Karl Hansson
13.	Maria and Martin Sealy	34.	Property Council of Australia (PCA)
14.	Alyson Soul	35.	Sue Mazur
15.	Lesley McEwan	36.	Local Government Association of Queensland (LGAQ)
16.	Jo-Ann Perry	37.	Paul Bishop
17.	Redlands2030 Inc.	38.	Ipswich City Council (ICC)
18.	Councillor Wendy Boglary	39.	Councillor Murray Elliott
19.	DAS McCallum	40.	Logan City Council (LCC)
20.	John Burt	41.	Sandra McKeown
21.	Tom Taranto		

## **CONTENTS**

### **PART A**

	Page
Part 2	Amendment of <i>Associations Incorporation Act 1981</i> .....3
Part 4	Amendment of <i>Local Government Electoral Act 2011</i> .....4

### **PART B**

	Page
Part 3	Amendment of <i>Building Act 1975</i> .....21
Part 5	Amendment of <i>Planning Act 2016</i>
Part 6	Amendment of <i>Planning and Environment Court Act 2016</i>
Part 7	Amendment of <i>Planning (Consequential) and Other Legislation Amendment Act 2016</i>
Part 8	Amendment of <i>Sustainable Planning Act 2009</i>

## **PART A**

### **Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016 - parts 2 and 4**

#### **Background**

On 11 December 2015, the Crime and Corruption Commission (CCC) tabled in Parliament its report 'Transparency and accountability in local government' (CCC Report).  
<http://www.ccc.qld.gov.au/research-and-publications/research-and-publications/browse-by-topic-1/local-government>

The CCC Report made recommendations to the Government for legislative reform to improve transparency and accountability in local government electoral disclosure requirements and to remove any confusion.

On 20 July 2016, the Government's response to the CCC Report was tabled at the Estimates Hearing for the Infrastructure, Planning and Natural Resources Committee.  
<https://www.parliament.qld.gov.au/documents/committees/IPNRC/2016/Estimates2016/Est-tp-20July2016-DeputyPremier.pdf>

The main objective of the *Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016* (the Bill) parts 2 and 4 is to amend the *Associations Incorporation Act 1981* and the *Local Government Electoral Act 2011* to implement the Government's response to the CCC's Report Recommendations 2 to 4 and part of Recommendation 5.

#### **Part 2 of the Bill—amendments to the *Associations Incorporation Act 1981* (AI Act)**

<p><b>CCC Recommendation 2</b> – <i>That the AI Act be amended to make it clear that incorporated associations cannot be used to receive or hold electoral campaign funds which are intended to be applied for a member's benefit, either directly or indirectly.</i></p> <p><b>Government response</b> – <i>The Government accepted the CCC's Recommendation 2.</i></p> <p><b>Clause 4</b> of the Bill; <b>Section 5</b> of the AI Act</p>		
<b>Submitter</b>	<b>Key points</b>	<b>Departmental response</b>
3 CCC	<ul style="list-style-type: none"> <li>The CCC view is that while the draft example will assist to clarify that the use of incorporated associations for the main purpose of receiving or holding gifts for a candidate in a local government election is not permitted under the AI Act, the CCC is of the view that an additional subsection would be more instructive.</li> </ul>	<ul style="list-style-type: none"> <li>Although the Department of Infrastructure, Local Government and Planning (DILGP) notes the CCC's view that subsection (ca) would be more instructive, DILGP's view is that the Bill implements the Government's acceptance of the CCC's Recommendation 2 through the example to section 5(1)(e)(iii).</li> <li>The AI Act provides that an incorporated association cannot be formed or carried on for the purpose of providing financial gain for its members or have as its main purpose the holding of property for use by some or all of its members.</li> </ul>

	<ul style="list-style-type: none"> <li>The CCC gave the following example of a subsection incorporating the text of the proposed example which could be inserted after subsection (c)- (ca) is formed or carried on for the purpose of receiving or holding gifts within the meaning of the <i>Local Government Electoral Act 2011</i>, section 107 for use, directly or indirectly, by a member or person nominated by a member for a purpose relating to an election under that Act.</li> </ul>	<ul style="list-style-type: none"> <li>The AI Act section 5(1)(e)(iii) provides that an association is not eligible for incorporation under this Act if the association has as its main purpose the holding of property for use by some or all of its members or among persons claiming through, or nominated by, some or all of its members.</li> <li>The example in the Bill to be included in section 5(1)(e)(iii) is: “an association that, as its main purpose, receives and holds gifts within the meaning of the <i>Local Government Electoral Act 2011</i>, section 107 for use by a member or person nominated by a member for a purpose relating to an election under that Act”.</li> </ul>
7 SCRC	In light of the recommendations in the CCC Report, the proposed amendments are supported.	DILGP welcomes the SCRC’s support of clause 4 of the Bill.

#### Part 4 of the Bill—amendments to the *Local Government Electoral Act 2011* (LGEA)

**CCC Recommendation 3** – *That the Government consider amendment to disclosure time frames to make the disclosure of donations more contemporaneous with the receipt of the donation by the candidate and others required to make a disclosure.*

**Government response** – *The Government accepted Recommendation 3 and also endorsed the implementation of a real-time online system of disclosure, consistent with the system that will be adopted for State Government elections.*

**Clauses 11, 12, 13, 14, 15, 16, 17, 19, 22, 23, 24, 28, 30** of the Bill; **Sections 106, 114, 115, 116, 116A, 117, 118, 120, 123, 124, 125, 195, sch (Dictionary)** of the LGEA  
**Clause 27** of the Bill; **New section 132A** of the LGEA

Submitter	Key points	Departmental response
3 CCC	<ul style="list-style-type: none"> <li>The CCC supports the implementation of a contemporaneous disclosure obligation and a new electronic system to facilitate improved transparency during future local government elections.</li> <li>The CCC submits it is not clear from the current draft Bill that the disclosure obligation will be a continuous obligation which will require real-time disclosure as opposed to disclosure just prior to the polling day.</li> <li>The CCC is of the view that the current Bill should be amended to make it clear that not only is reporting on gifts prior to polling day required, but that it must be done within a minimum time from when the gift is received.</li> </ul>	<ul style="list-style-type: none"> <li>DILGP welcomes the CCC’s support of the Bill’s implementation of a contemporaneous disclosure obligation and a new electronic system to facilitate improved transparency during future local government elections.</li> <li>DILGP notes the CCC’s view that the Bill should be amended to make it clear that not only is reporting on gifts prior to polling day required, but that it must be done within a minimum time from when the gift is received.</li> <li>DILGP is of the view that the Bill implements the Government’s acceptance of the CCC’s Recommendation 3 and the Government’s endorsement that the local government real-time online disclosure system to be implemented is consistent with the system that will be adopted for State Government elections.</li> </ul>

		<ul style="list-style-type: none"> <li>• For consistency with the State system, the Bill provides heads of power for a regulation to prescribe contemporaneous disclosure timeframes and different disclosure periods.</li> <li>• Subject to the Bill being passed, the provisions that provide for the contemporaneous disclosure of returns and disclosure periods will commence by proclamation, and amendments to the <i>Local Government Electoral Regulation 2012</i> will be proposed, consistent with the proposed amendments to the <i>Electoral Regulation 2013</i> to prescribe real-time online disclosure timeframes for State elections.</li> </ul>
7 SCRC	The submitter supports the amendments commenting the amendments will provide equity in the disclosure requirements for sitting councillors and new candidates.	DILGP welcomes the SCRC's support of the Bill.
16 Jo-Ann Perry	The submitter's view is that every voter should be given or have access to information about a candidate's allegiance and where funds have come from beforehand to allow an informed decision to be made. If a candidate is elected they are there to represent their constituents and to make the best possible decision for their area. Too often a member of council has to excuse him or herself from voting on a particular matter because of conflict of interest and the majority of constituents are in the dark as to why.	<ul style="list-style-type: none"> <li>• In relation to access to disclosure information, the Bill facilitates contemporaneous online disclosure of electoral gifts and loans received by candidates, including councillors who are candidates, and groups of candidates; gifts received by third parties to enable expenditure for political activity; and third party expenditure for political activities.</li> <li>• A candidate or group of candidates is required to disclose the value of a gift or loan, the terms of a loan, when the gift or loan was made and the name and address of the donor or the person making the loan. Third parties are required to disclose the value of the gift, when the gift was made and the name and address of the donor. Third parties are required to disclose the value of the expenditure, when it was incurred and the purpose of the expenditure. Contemporaneous disclosure enables constituents to be better informed about donations.</li> <li>• In relation to ongoing disclosure of councillors, the Bill does not change the ongoing obligation under the <i>Local Government Act 2009</i> section 171B for councillors to correct their register of interests within 30 days.</li> </ul>
17 Redlands2030 Inc.	The submitter's view is that current laws relating to disclosure of gifts and donations to candidates and councillors are confusing and inadequate. The case study provided in the submission cites an example. The different and inadequate reporting obligations of the <i>Local Government Act 2009</i> and the LGEA made it possible for the public to be kept in the dark about this matter.	<ul style="list-style-type: none"> <li>• DILGP's view is that the Bill's objective to remove confusion in the local government electoral donation disclosure requirements is achieved, in part, by making the disclosure of donations more contemporaneous with the receipt of gifts and loans and third party expenditure and providing for a real-time online system of disclosure.</li> </ul>

		<ul style="list-style-type: none"> <li>• In relation to access to disclosure information, the Bill facilitates contemporaneous online disclosure of electoral gifts and loans received by candidates, including councillors who are candidates, and groups of candidates; gifts received by third parties to enable expenditure for political activity; and third party expenditure for political activities.</li> <li>• A candidate or group of candidates is required to disclose the value of a gift or loan, the terms of a loan, when the gift or loan was made and the name and address of the donor or the person making the loan. Third parties are required to disclose the value of the gift, when the gift was made and the name and address of the donor. Third parties are required to disclose the value of the expenditure, when it was incurred and the purpose of the expenditure. Contemporaneous disclosure enables constituents to be better informed about donations.</li> <li>• The Bill does not change the ongoing obligation under the <i>Local Government Act 2009</i> section 171B for councillors to correct their register of interests within 30 days.</li> </ul>
18 Cr Wendy Boglary	The submitter supports Recommendation 3 as it increases accountability to the voters as to who candidates are aligned to either politically or with private donations which sectors of the community e.g. developers, conservation groups.	DILGP welcomes Cr Wendy Boglary's support of the Bill.
30 Development Watch Inc.	<p>The submitter:</p> <ul style="list-style-type: none"> <li>• Agrees with contemporaneous disclosure of returns and implementation of a real-time online system of disclosure of election donations.</li> <li>• Agrees with the commencement of the disclosure period, but does not agree with the end date for the disclosure period.</li> <li>• To make an informed decision, voters need to see prior to polling day who is supporting a particular donor, e.g. community generally, business sector, development industry.</li> <li>• If the last day for donations is not before polling day then the whole purpose of disclosure is superfluous.</li> <li>• Submits that the closing date for donations should be the Monday of the week before polling day. Receipt of any donations beyond this date should be prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>• DILGP welcomes the support for the Bill and notes the view of Development Watch Inc. that the closing date for donations should be the Monday of the week before polling day, and that receipt of any donations beyond this date should be prohibited.</li> <li>• DILGP's view is that the Bill implements the Government's acceptance of the CCC's Recommendation 3 and the Government's endorsement that the local government real-time online disclosure system to be implemented is consistent with the system that will be adopted for State Government elections.</li> <li>• For consistency with the system to be adopted for State Government elections, the Bill provides heads of power for a regulation to prescribe contemporaneous disclosure timeframes and different disclosure periods.</li> </ul>

		<ul style="list-style-type: none"> <li>Subject to the Bill being passed, the provisions that provide for the contemporaneous disclosure of returns and disclosure periods will commence by proclamation and amendments to the <i>Local Government Electoral Regulation 2012</i> will be proposed, consistent with the proposed amendments to the <i>Electoral Regulation 2013</i> to prescribe real-time online disclosure timeframes for State elections.</li> </ul>
<p><b>CCC Recommendation 4</b> – <i>That the Government consider amendment to disclosure requirements in the Local Government Electoral Act 2011 and the Local Government Act 2009 to align the threshold obligations for reporting.</i></p> <p><b>Government response</b> – <i>The Government accepted Recommendation 4 by proposing that local government candidates disclose gifts above \$500, noting the threshold is lower than the \$1000 threshold for State candidates. The Government also responded that because of the nature of local government decision-making and the real ability for a councillor to have a say on local matters such as planning applications, this lower threshold is reasonable and is supported by the Local Government Association of Queensland.</i></p> <p><b>Clauses 16, 17, 18, 19, 20, 23, 24</b> of the Bill; <b>Sections 117, 118, 119, 120, 121, 124, 125</b> of the LGEA</p>		
<b>Submitters <u>not in support</u> of the increased threshold of \$500</b>		
Submitter	Key points	Departmental response
2 David and Susan Frampton	<ul style="list-style-type: none"> <li>The submitters' view is that the donation threshold for individual candidates should remain at \$200 and for third parties, the donation threshold for declaration should again be \$200.</li> <li>The submitters make the request in the interests of greater transparency and accountability, and because the submitters consider these interests are in line with public expectations.</li> </ul>	<ul style="list-style-type: none"> <li>A key area of inconsistency and confusion identified in the CCC's Report is the differing disclosure requirements under the <i>Local Government Act 2009</i> and the LGEA which make it difficult for those who have to adhere to these requirements to understand and comply with them.</li> <li>DILGP's view is that the Bill implements the Government's acceptance of Recommendation 4 by setting the candidate and third party election disclosure donation threshold at \$500 to align with a councillor's register of interest gift disclosures threshold under the <i>Local Government Act 2009</i>.</li> <li>This means for individual candidates and groups, the Bill increases the donation disclosure threshold from \$200 to \$500, thereby reducing the disclosure burden.</li> <li>For third parties, the Bill decreases the donation disclosure threshold from \$1,000 to \$500 and the Bill also increases the threshold for an expenditure return by third parties from \$200 to \$500.</li> </ul>
17 Redlands2030 Inc.	The submitter notes that CCC recommended that disclosure thresholds be aligned at \$500, submitter argues that the thresholds should instead be aligned at \$200. Submitter cites USA Federal Election Campaign Act.	
21 Tom Taranto	The submitter's view is that the disclosure donation threshold should remain at \$200.	
30 Development Watch Inc.	<p>The submitters:</p> <ul style="list-style-type: none"> <li>Do not agree to an increase in the disclosure threshold for gifts, loans and third party expenditure from \$200 to \$500.</li> </ul>	

	<ul style="list-style-type: none"> <li>Any increase in the disclosure amount could discourage the declaration of many perceived conflicts of interest by successful candidates.</li> <li>The purpose of this amendment is to improve transparency and accountability, not to lower the disclosure burden for candidates.</li> <li>Request the disclosure threshold for all matters relating to all local government candidates and third parties be set at and/or remain at \$200.</li> </ul>	
<b>Submitters <u>supporting</u> the increased threshold of \$500</b>		
3 CCC	<ul style="list-style-type: none"> <li>The CCC supports amending the reporting thresholds for gifts to \$500 to make the reporting requirements internally uniform within the LGEA and consistent with the reporting requirement in the <i>Local Government Act 2009</i> in relation to the councillor's register of interests.</li> <li>The CCC is of the view that the \$500 reporting threshold is reasonable for candidates and third parties in a local government election.</li> </ul>	DILGP welcomes the support of the Bill.
7 SCRC	The submitter supports the amendments and that the amendments meet the Bill's objective of removing confusion by aligning the threshold amount with the disclosure requirements for receipt of gifts under the <i>Local Government Regulation 2012</i> .	



**CCC Recommendation 5 (part)** – *That the Government expand the regulation of donations to include a requirement to account for unspent donations by either only using the funds for campaign purposes or transferring them to a registered charity.*

**Government response** – *The Government endorsed that unspent campaign donations be either held for campaign purposes at a later point or that the donations are transferred to a registered charity or are returned to the relevant political party.*

**Clauses 25, 26** of the Bill; **Sections 126, 127** of the LGEA

**Government response** – *The Government also endorsed strengthening the requirements around the use of a candidate's dedicated bank account so that a candidate's dedicated account can only be used for gifts and loans received and expenditure made for campaign purposes.*

**Clauses 25, 26** of the Bill; **Sections 126, 127** of the LGEA

Submitter	Key points	Departmental response
1 Paul Golle	The submitter's view is that donations are not collected in a regional area by a political party for accountability, the money received is easily declared for certain expenditure, however the submitter's opinion is that candidates alleging to be independent would be holding money personally. In the submitter's view this opens a perception of corruption.	<ul style="list-style-type: none"> <li>• If an independent candidate receives gifts or loans for the conduct of the candidate's election campaign during the disclosure period, then the candidate must give a return for the gifts (section 117) or loans (section 120) and must under section 126 operate a dedicated account.</li> <li>• DILGP's view is that the Bill implements the Government's endorsement of the proposal to strengthen the requirements around the use of a candidate's dedicated bank account so that a candidate's dedicated account must not during the disclosure period be used other than for receiving and paying amounts. If an amount remains in the account at the end of the disclosure period the amount may be kept in the account for the conduct of another election campaign by the candidate; or be paid to a charity nominated by the candidate; or, if the candidate was a member of a political party during the disclosure period, be paid to the political party.</li> </ul>
7 SCRC	The submitter questions what control mechanisms will be established to oversee the proper acquittal or disbursement of amounts remaining in a candidate's dedicated account at the conclusion of the disclosure period.	The Bill applies a maximum penalty of 100 penalty units to a candidate who fails to take all reasonable steps to ensure that any remaining amounts in the candidate's dedicated account at the end of the disclosure period are held for future campaign purposes, or transferred to the candidate's political party or a registered charity.

8 SDRC	The submitter is concerned that, for self-funded candidates who are not members of a political party or who do not contest another election, the requirement that unspent amounts in a candidate's dedicated bank account be paid to a charity may be onerous. This may have a large impact on potential candidates for future local government elections in the region by deterring good quality self-funded candidates or limit their total spend on election campaigns to avoid any onerous donation requirements.	<ul style="list-style-type: none"> <li>The CCC Report highlighted that the inability to trace the expenditure of leftover funds in a candidate's dedicated bank account after an election undermines transparency.</li> <li>DILGP's view is that the Bill implements the Government's response to the CCC's Recommendation 5 that unspent campaign donations be either held for campaign purposes at a later point or that the donations are transferred to a registered charity or are returned to the relevant political party.</li> </ul>
36 LGAQ	<ul style="list-style-type: none"> <li>The LGAQ supports, in principle, the intent of the transparency and accountability elements of the Bill.</li> <li>The LGAQ supports clauses 25 and 26 of the Bill.</li> <li>While not part of CCC Recommendation 5, the amendment allowing for excess bank account funds to be paid to a political party is supported.</li> </ul>	DILGP welcomes the LGAQ's in-principle support of the transparency and accountability elements of the Bill, the LGAQ's support of clauses 25 and 26 of the Bill and the amendment allowing for excess bank account funds to be paid to a political party.
<p><b>CCC Recommendation 5 (part)</b> – <i>That the Government expand the regulation of donations to include the expenditure of donations.</i></p> <p><b>Not supported by the Government</b> – <i>The Government did not endorse the proposal to require local government candidates to lodge an expenditure return in addition to a donation return. The Government responded that the administrative burden of that requirement outweighs any additional public benefit given the vast majority of candidates spend minimal amounts, mainly on advertising. The Government responded that this is particularly the case given local government candidates are not entitled to public funding for electoral expenditure, unlike candidates at State elections. The Government further responded that the additional amendment to strengthen the requirements around the use of a candidate's dedicated bank account would address the underlying fundamental concerns raised by the CCC about the dual use of a dedicated account more effectively than imposing a requirement for an expenditure return.</i></p>		

**CCC Recommendation 6** – *That the Government strengthen the obligation upon councillors, chief executive officers and senior executive employees (relevant persons) to declare funds, gifts or benefits provided to another entity which could be perceived to provide the relevant person with a benefit.*

**Not supported by the Government** – *The Government did not support Recommendation 6 and responded that requiring councillors, chief executive officers and senior executive employees to declare funds, gifts or benefits provided to another entity which could be perceived to provide them with a reputational benefit would be impracticable and difficult to enforce. The Government's response provided that in no other Australian jurisdiction are councillors or mayors required to disclose on their register of interests any funds, gifts or benefits provided to another entity that could be perceived to provide them with a reputational benefit. In Queensland, Members of Parliament are not required to disclose such funds, gifts or benefits on their registers of interests.*

Submitter	Key points regarding CCC's recommendations part 5 and 6 not supported by the Government	Departmental response
<p>2 David and Susan Frampton</p>	<p>The submitters' view is:</p> <ul style="list-style-type: none"> <li>• Transparency and accountability would be enhanced if, at the end of the relevant donation disclosure period, candidates were required (a) to submit a return in relation to the expenditure of the donated funds and (b) maintain any unspent funds in a dedicated account until the candidate runs for the next election or transfer the funds to a registered charity.</li> <li>• In simple fiduciary terms, a mandatory expenditure return is the logical corollary of a mandatory donation declaration.</li> <li>• It is difficult to see how, in respect of the same funds and for the same purpose of transparency and accountability, a donation declaration can be in the public interest while an expenditure declaration is excluded.</li> </ul> <p>The submitters suspect that public scrutiny would readily interpret this as tantamount to giving with one hand and removing with the other.</p> <p>Also, the submitters believe that CCC Report Recommendation 6 is consistent with a level of transparency and accountability that the public would expect, and that the Government's legislation should include it.</p>	<ul style="list-style-type: none"> <li>• DILGP notes the submissions and support for the Bill's implementation of the CCC's remaining Recommendations 2, 3, 4 and part of 5.</li> <li>• The Government did not support the CCC's Recommendation 5 to expand the regulation of donations to include the expenditure of donations.</li> <li>• The Government's response to Recommendation 5 included that the additional amendment to strengthen the requirements around the use of a candidate's dedicated bank account would address the underlying fundamental concerns raised by the CCC about the dual use of a dedicated account more effectively than imposing a requirement for an expenditure return.</li> <li>• DILGP's view is that the Bill strengthens the requirements around the use of a candidate's dedicated bank account by amending the LGEA section 126(5) to provide that the candidate's dedicated account must not, during the candidate's disclosure period for the election, be used other than for receiving and paying amounts under section 126(3) and (4).</li> <li>• The LGEA section 126(3) provides that all amounts received by the candidate, or a person on behalf of the candidate, during the candidate's disclosure period for the election for the conduct of the candidate's election campaign, including all gifts received by the candidate for the election, and all amounts received as loans to the candidate, must be placed in the account.</li> <li>• The LGEA section 126(4) requires that all amounts paid by the candidate, or a person on behalf of the candidate, during the candidate's disclosure period for the election for the conduct of the candidate's election campaign must be paid out of the account.</li> </ul>

3 CCC	<ul style="list-style-type: none"> <li>• The CCC supports the proposed changes to the legislation which will require candidates to account for unspent funds donated for the purpose of their campaign by either retaining the unspent funds in a dedicated account for the next election or donating the funds to a charity.</li> <li>• However, the CCC notes that the amendments do not include a requirement to account for how funds are spent by candidates, as this was not supported by the Government.</li> <li>• The CCC noted during its previous investigation that the analysis of campaign expenditure was complicated where funds raised for an election were not all spent at the conclusion of the election and those funds were then spent on other activities for purposes not related to the election.</li> <li>• The CCC formed the view that transparency would be improved if the electoral return included details of how the funds donated were actually spent by the candidate, thus ensuring that all expenditure for a campaign was accounted for. Requiring the candidate to account for both the receipt and expenditure of funds — that is, to show both sides of the ledger — would enable the public to see that candidates are fully compliant with the rules around electoral donations and thus promote both transparency and public confidence.</li> </ul>	<ul style="list-style-type: none"> <li>• The Bill applies a maximum penalty of 100 penalty units to a candidate who fails to take all reasonable steps to ensure that any remaining amounts in the candidate's dedicated account at the end of the disclosure period are held for future campaign purposes, or transferred to the candidate's political party or a registered charity.</li> <li>• The Government did not support the CCC's Recommendation 6.</li> </ul>
9 Jan Eva	The submitter agrees with the objectives and intentions of the CCC recommendations and wants the Parliamentary Committee to endorse the changes.	
10 Albert Sutton	The submitter strongly agrees with and supports the objectives and intent of the CCC recommendations and wants the Parliamentary Committees to endorse these changes.	
11 Madeleine Mionnet	The submitter agrees with and supports the objectives and intent of the CCC recommendations and wants the Parliamentary Committee to endorse these changes.	

12 Gwenda Casey	The submitter is concerned about the lack of perceived transparency in local government and that planning and development rules and guidelines are not being adhered to. Submitter strongly agrees with and supports the objectives and intent of the CCC Report and requests the Parliamentary Committee to fully endorse the recommendations in the Bill.	
13 Maria and Martin Sealy	The submitters agree with and support the objectives and intent of the CCC recommendations and want the Parliamentary Committee to endorse these changes.	
14 Alyson Soul	The submitter agrees with and supports the objectives and intent of the CCC recommendations and wants the Parliament to be accountable.	
15 Lesley McEwan	The submitter agrees with and supports the objectives and intent of the CCC recommendations and wants the Parliamentary Committee to endorse these changes.	
16 Jo-Ann Perry	The submitter agrees with and supports all recommendations of the CCC Report and hopes that they will be accepted in the Bill and that the Parliamentary Committee endorses these changes.	
17 Redlands2030 Inc.	The submitter notes a good starting point for tightening up current disclosure laws are the six recommendations by the CCC. Disappointing that the Bill does not give effect to Recommendations 5 and 6. Committee should consider amendments to the Bill to give effect to Recommendations 5 and 6.	
18 Cr Wendy Boglary	<ul style="list-style-type: none"> <li>The submitter extremely disappointed to note that the State Government and the Local Government Association did not endorse that part of Recommendation 5 that requires local government candidates to submit an expenditure return in addition to a donations return.</li> </ul>	

	<ul style="list-style-type: none"> <li>• The submitter questions the reasoning that it would cause an administrative burden on the candidates, as all candidates for their own accounting records would already have a list of their expenses; therefore, it is no extra burden on candidates, except to submit this record along with the donation record to be published. This inclusion is not an administrative burden considering the ease of processes to publish online. Submitter therefore fully supports this extra layer of integrity and transparency in declaring expenses which also includes the unspent donations at the end of an election donation disclosure period.</li> <li>• The submitter's view is that without such accountability the second part of Recommendation 5, which considers unspent donations, could not be monitored as there is no transparent expense accounting measure.</li> <li>• Also, the submitter supports this increased transparency as councillors, chief executive officers and senior executive employees are all heavily involved in not only the decision making but in giving the facts and advice that such decisions are then based upon. To ensure any connection where there could be a possible perception of a "family" or "individual" benefit is reported for public scrutiny will relieve this concern.</li> <li>• The submitter's view is that there are increasingly reports of public perceptions of corruption and or self-interest with all levels of government. To prevent, dispel or uncover such acts those with the honour of representing the community in these positions have to adhere to the highest level of integrity and willingly be transparent and accountable in all their duties to their communities.</li> </ul>	
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	<ul style="list-style-type: none"> <li>The submitter's view is that the CCC is the "watchdog" to ensure due process is followed with good governance, and representatives are held accountable. To therefore not support their recommendations gives merit to the public's perceptions of corruption and self-interest. Based on the policy objectives and the reasons for them, which is to improve transparency and accountability in local government electoral disclosure requirements and to remove any confusion, submitter supports all recommendations by the CCC and requests that the Parliamentary Committee endorse their recommended changes.</li> </ul>	
19 DAS McCallum	The submitter fully supports all of the CCC's recommendations and requests Parliament to adopt them.	
20 John Burt	The submitter is concerned about lack of perceived transparency in local government. The submitter agrees with and supports the objectives and intent of the CCC recommendations and wants the Parliamentary Committee to endorse the changes.	
21 Tom Taranto	The submitter is concerned about the behaviour of local government representatives and some officers and that the Government has not included CCC Recommendations 5 and 6. The submitter considers that the CCC recommendations should be adopted.	
22 James and Laura Farrow	The submitters agree with and support the objectives and intent of the CCC recommendations and want the Parliamentary Committee to endorse the changes.	
24 Junita Grosvenor	The submitters are deeply concerned about the lack of transparency at the local government level. They agree with and support the objectives and intent of the CCC recommendations and want the Parliamentary Committee to endorse the changes.	
25 Michael Dale	The submitter agrees with and supports the objectives and intent of the CCC recommendations and wants the Parliamentary Committee to endorse the changes.	
27 T. Malcolm and Barbara Armitage	That the CCC recommendations be accepted in full, especially Recommendation 5 which states that throughout an election expenses as well as donations should be made public for accountability.	

28 Debbie Stone	<ul style="list-style-type: none"> <li>• The submitter's view is that all the CCC recommendations be fully endorsed in the Bill.</li> <li>• The submitter supports CCC's recommendation that throughout an election expenses as well as donations should be made public for accountability.</li> <li>• The submitter's view is that amount and number of donations that are received for campaigns from political parties, private businesses and lobby groups must be disclosed and where these funds are spent is equally important.</li> </ul>	
30 Development Watch Inc.	<ul style="list-style-type: none"> <li>• The submitter is disappointed the State Government did not endorse that part of CCC Recommendation 5 relating to expenditure returns.</li> <li>• The submitter's view is that if a candidate is capable of fulfilling the role of a Mayor and/or Councillor, then he/she should have no problem keeping track of their expenditure and submitting a return.</li> </ul>	
31 Christina Hansson	<p>The submitter's view is:</p> <ul style="list-style-type: none"> <li>• That all the CCC recommendations be fully endorsed in the Bill.</li> <li>• Supports CCC's recommendation that throughout an election expenses as well as donations should be made public for accountability.</li> <li>• The amount and number of donations that are received for campaigns from political parties, private businesses and lobby groups must be disclosed and where these funds are spent is equally important.</li> </ul>	
33 Karl Hansson	<p>The submitter's view is:</p> <ul style="list-style-type: none"> <li>• That all the CCC recommendations be fully endorsed in the Bill.</li> <li>• Supports CCC's recommendation that throughout an election expenses as well as donations should be made public for accountability.</li> <li>• The amount and number of donations that are received for campaigns from political parties, private businesses and lobby groups must be disclosed and where these funds are spent is equally important.</li> </ul>	



35 Sue Mazur	The submitter agrees with and supports the objectives and intent of the CCC recommendations and wants them accepted in the Bill.	
37 Paul Bishop	<p>The submitter's view is:</p> <ul style="list-style-type: none"> <li>• Mayors (who choose to receive funds from donors) can have significant impacts within an organisation and city.</li> <li>• With powers to direct officers, with potential favouritism among elected 'team members', with moral obligation to ensure backers are rewarded by policy or decision making, and without a requirement to keep records and present them in an open public place, then the machinations of electoral representative democracy may well be encouraged to occur 'behind closed doors'.</li> <li>• These changes (without increased scrutiny, reporting and changes to encourage good governance, such as those proposed in the CCC Report), could be interpreted by unscrupulous souls who are not held to account for their transactional obligations.</li> <li>• Urge support and implementation of the balance of findings and recommendations of the CCC Report to ensure the future of Queensland electoral representative democracy.</li> </ul>	
39 Councillor Murray Elliott	The submitter requests support for all the recommendations in the CCC Report, including Recommendation 5 to expand the regulation of donations to include the expenditure of donations and a requirement to account for any unspent donations.	
41 Sandra McKeown	<p>The submitter's view is:</p> <ul style="list-style-type: none"> <li>• That all the CCC recommendations be fully endorsed in the Bill.</li> <li>• Supports CCC's recommendation that throughout an election expenses as well as donations should be made public for accountability.</li> <li>• The amount and number of donations that are received for campaigns from political parties, private businesses and lobby groups must be disclosed and where these funds are spent is equally important.</li> </ul>	

Clause 29 amends section 202 of the LGEA to clarify that indirect as well as direct costs incurred by the ECQ are recoverable from local governments.		
Submitter	Key points	Departmental response
5 BCC	<ul style="list-style-type: none"> <li>BCC is concerned that changes to section 202 of the LGEA will expose local governments to unknown and unverifiable additional costs associated with conducting local government elections. The current wording of section 202 only requires local governments to pay for the costs directly incurred by the ECQ whereas the proposed amendment means that local governments would also be liable for indirect costs.</li> <li>Council considers that a local government is not to be responsible for the indirect costs incurred by ECQ.</li> <li>BCC recommends section 202 be amended to ensure that local government is not responsible for the indirect costs incurred by ECQ.</li> </ul>	<ul style="list-style-type: none"> <li>At the State level, section 97 of the <i>Electoral Act 1992</i> (EA) confers upon the ECQ the 'continuing function of making appropriate administrative arrangements for the conduct of elections', including arranging for the appointment and employment of appropriate members of staff for the conduct of elections.</li> <li>For consistency with the EA section 97, the Bill clarifies that indirect as well as direct costs incurred by ECQ in carrying out functions relating to conducting elections generally are recoverable from local governments. Examples may include costs incurred by ECQ's Local Government Elections Branch in undertaking administrative tasks including planning for electoral events, training staff and developing and testing innovations for future operational use.</li> </ul>
7 SCRC	<ul style="list-style-type: none"> <li>The submitter notes that section 202(1) makes it clear that the costs incurred are related specifically to elections within each local government area.</li> <li>The submitter notes proposed section 202(3) inserted by clause 29 of the Bill states that local governments 'must pay the costs incurred by the electoral commission ... relating to <u>conducting elections generally</u>'.</li> <li>The submitter's view is that while acknowledging that the costs associated with the Local Government Election Branch of ECQ attributed to SCRC under the formula agreed with DILGP are fair and reasonable, the submitter is concerned that councils may be burdened with ECQ costs associated with elections outside specific council areas, including those for elections relating to other levels of government.</li> </ul>	<ul style="list-style-type: none"> <li>The objective of the Bill is to clarify that indirect as well as direct costs incurred by ECQ in carrying out functions relating to conducting elections generally are recoverable from local governments.</li> <li>The Bill gives examples of costs incurred by the ECQ that local governments must pay. The examples require expenses paid to members or staff must be reasonable and administrative arrangements must be appropriate.</li> </ul>
8 SDRC	<ul style="list-style-type: none"> <li>The submitter is concerned that allowing ECQ to recover indirect costs may reduce transparency and result in the conduct of elections being cost prohibitive to local governments.</li> <li>If further recovery of costs is undertaken by the ECQ, Council would require full disclosure of all costs.</li> </ul>	DILGP's view is that the issues regarding the full disclosure of costs, provision of a cost estimate for local governments by the ECQ, and the proposal that local governments be responsible for the conduct of local government elections do not specifically relate to the Bill.

	<ul style="list-style-type: none"> <li>Proposes that the ECQ provide a fixed cost estimate in advance so that this can be accurately included in budgets and forecasting.</li> <li>Proposes alternatively that local governments become the responsible authority for the conduct of local government elections. In the submitter's opinion this would potentially reduce costs of conducting elections and voter confusion.</li> </ul>	
36 LGAQ	<p>The LGAQ supports clause 29 of the Bill on the basis that:</p> <ul style="list-style-type: none"> <li>the ECQ is more transparent with councils in relation to the work that the ECQ Local Government Electoral Unit undertakes between elections</li> <li>they work proactively with councils to ensure that future electoral events run smoothly, and</li> <li>they promote the work that they do during the intervening periods to councils through some form of regular (cost neutral) update.</li> </ul>	DILGP's view is that the issues raised in the LGAQ's submission are not issues that specifically relate to the Bill.
<b>General issues raised by submitters</b>		
<i>General support for the Bill</i>		
Submitter	Key points	Departmental response
3 CCC	The CCC supports the implementation of a contemporaneous disclosure obligation and a new electronic system to facilitate improved transparency during future local government elections.	DILGP acknowledges and welcomes the CCC's support.
7 SCRC	The SCRC supports the objectives of the Bill to improve transparency, accountability and public confidence in the electoral process.	DILGP acknowledges and welcomes the SCRC's support.
30 Development Watch Inc.	The submitter generally supports the thrust of the amendments to the LGEA proposed in the Bill. In particular, the requirement for continuous and real-time online disclosure is supported.	DILGP acknowledges and welcomes the support of Development Watch Inc.
36 LGAQ	In principle, the LGAQ supports the intent of the transparency and accountability elements of the Bill and believes the original LGAQ submission to the CCC has been mostly incorporated into the Bill and Explanatory Notes.	DILGP acknowledges and welcomes the LGAQ's support.

*Ban donations from developers*

Submitter	Key points	Departmental response
1 Paul Golle	<ul style="list-style-type: none"> <li>The submitter would like to see donations from developers to independent regional councillors abolished so policy is adhered to.</li> <li>The submitter's view is: <ul style="list-style-type: none"> <li>that Local government in regional areas are made up of local candidates who claim to be independent and under the Local Government Act are meant to represent the city as a whole without prejudice or favour.</li> <li>the influence of property developers overshadows the outcomes of elections through monetary and gift in kind donations that have an effect of showing favour to any one particular candidate, resulting in building outcomes that do not meet community expectations.</li> <li>developers that have provided financial resources to particular candidates during an election have mitigated any integrity around their position if elected, causing a conflict of interest on community decisions that arise for building.</li> </ul> </li> </ul>	<p>Although DILGP's view is that the proposal to ban donations from developers does not specifically relate to the Bill, the introduction of contemporaneous disclosure of donations will enable voters to be better informed about donations, including donations to and by developers, before polling day.</p>
16 Jo-Ann Perry	The submitter's view is that no donations should be allowed by developers but notes this does not form part of the recommendations currently at hand.	
17 Redlands2030 Inc.	The submitter's view is that in addition to adopting the CCC's recommendations, the Committee should also consider a ban on political donations from property developers. The submitter's weblink to a case study refers to the NSW ban on developer donations.	
21 Tom Taranto	The submitter's view is that the Committee should ban political donations from property developers.	
30 Development Watch Inc.	The submitter's view is that a future Bill could address the serious issue of conflicts of interest perhaps by placing a limit on the amount of, or banning altogether, developer donations.	

Single definition of 'gift'		
Submitter	Key points	Departmental response
7 SCRC	The submitter's view is that the definition of 'gift' in the <i>Local Government Act 2009</i> should be amended to specifically include electoral gifts.	Although DILGP's view is that the proposal to align the definitions of 'gift' does not specifically relate to the Bill, DILGP notes the submissions and is considering the issue further.
36 LGAQ	<ul style="list-style-type: none"><li>• The LGAQ suggested in its original submission to the CCC that a single definition of 'gift' be clarified in both the <i>Local Government Act 2009</i> and the LGEA to refer to the fact that it does not matter whether a councillor considers it a gift for electoral purposes or other purposes.</li><li>• During consultation on the draft Bill, the Department advised the LGAQ that the proposal was outside the scope of the Bill but that it would be considered further.</li><li>• The LGAQ recommends the State Government pursue their proposal for a single definition of 'gift' as a further improvement to the disclosure regime.</li></ul>	
Miscellaneous		
Submitter	Key points	Departmental response
1 Paul Golle	The submitter's view is: <ul style="list-style-type: none"><li>• Residents are seeking open and honest policy from their elected representatives. By having legislation that convinces the community that an over extension of building is required on small lots without first allowing State Government to supply the infrastructure money required to support such growth is irresponsible.</li><li>• Regarding political parties in local government, while it is accepted practice in large councils, regional councils need to be comprised of local community members without connection or favour to a political party.</li></ul>	DILGP's view is that the issues do not specifically relate to the Bill.
4 Amity Point PA Inc.	The submitter is opposed to closure of Amity Point polling booth for the 2016 local government election. Requests the Bill ensures that this situation could not be repeated prior to any future elections.	

7 SCRC	The submitter notes that the opportunity to improve transparency in electoral funding from political parties has not been addressed in the Bill.	
15 Lesley McEwan	The submitter believes that persons who withdraw from a vote regarding conflict of interest should not have contact with those still in the meeting.	
16 Jo-Ann Perry	The submitter's view is that there should be full disclosure regarding a candidate's allegiance and where the funds have come from to assist a candidate to run for a position	
25 Michael Dale	The submitter believes that information and decision making is kept behind closed doors so that when it comes to public consultation the consideration is minimal because the deal is already done.	
30 Development Watch Inc.	The submitter commends the State Government on the Bill's intention to achieve contemporaneous disclosure, however the submitter is disappointed that the issue of conflicts of interest has not been raised.	

**PART B**  
**Local Government Electoral (Transparency and Accountability in Local Government)**  
**and Other Legislation Amendment Bill 2016 - parts 3, 5, 6, 7 and 8**

Row No	Clause	Submitter	Act and section	Key points	Departmental response
1	6	5 (BCC)	BA, s6	<p>BCC suggests there may be confusion about what a private certifier is able to assess building development applications against, and suggests that the provision be amended as follows, and include a note—</p> <p style="padding-left: 40px;">A building development application is an application for a development approval under the Planning Act, to the extent the application is for building work that, under that Act, must be assessed against the building assessment provisions.</p> <p><i>Note—</i>  <i>For the functions of a local government in relation to building development applications, see section 51.</i></p>	<p>Under the <i>Sustainable Planning Act 2009</i>, the assessment manager for building work, that under the <i>Building Act 1975</i>, is assessable against the building assessment provisions, is the local government. However, under section 11(2) of the <i>Building Act 1975</i>, a private certifier may be the assessment manager for building development applications. While local governments no longer carry out building certifying functions, some local governments directly engage a certifier to carry out this function, to ensure building certifying functions are available in all parts of the state.</p> <p>The amendment as drafted is necessary to ensure that building work for a building development application is limited to building work assessable against the building assessment provisions (if the local government is the assessment manager), or building work, if the assessment manager is a private certifier. Under the <i>Building Act 1975</i>, a private certifier may only carry out building assessment work, which under section 7 of the <i>Building Act 1975</i> is the assessment under the building assessment provisions of a building development application. This makes it clear that a building certifier cannot assess development other than building work assessable against the building assessment provisions.</p> <p>DILGP does not consider that an amendment to further clarify the intent of the provision is necessary.</p>

Row No	Clause	Submitter	Act and section	Key points	Departmental response
2	8	5 (BCC)	BA, section 83(1)(b)	<p>BCC considers that the amendments to section 83(1)(b) limit its operation to an application for a development permit. BCC suggests that a conflict arises between the introductory words of the provision which seek to prohibit the granting of a preliminary approval by a private certifier. BCC suggests an amendment to the provision and an example should be provided to provide clarity—</p> <p><i>(b) until a relevant preliminary approval is in effect, for the part under the Planning Act, section 245A.</i></p> <p><i>Example—</i>  <i>A proposal comprises building work which requires assessment against both the building assessment provisions and a planning scheme under the Planning Act. The private certifier is engaged to carry out the assessment against the building assessment provisions and decide the building development application. The building development application must not be decided until all relevant preliminary approvals for the building work assessable against the planning scheme under the Planning Act are effective.</i></p>	<p>The introductory words for section 83 relate to ‘the building development approval applied for’. Under the planning legislation there is nothing to stop an applicant seeking a preliminary approval for building work from a private certifier, or to stop a private certifier from giving a preliminary approval, even if a development permit is sought.</p> <p>DILGP’s view is that the provision should continue to limit its application to a development permit only, as it is only a development permit that can authorise the carrying out of development. A preliminary approval approves but does not authorise the carrying out of the development.</p> <p>DILGP considers that providing an example to the <i>Building Act 1975</i> s83(1)(b) may be appropriate to clarify the outcome sought.</p>
3	N/A	5 (BCC)	BA, section 83(1)	<p>BCC requests that the maximum penalty for an offence against this section should be increased from 165 penalty units to 4,500 penalty units.</p>	<p>DILGP advises that clause 78 increases the maximum penalty units applying to carrying out building work without a development permit. This would include carrying out building work where a relevant preliminary approval was necessary and the relevant preliminary approval is not in effect when the certifier gives the development permit for the building work. In such cases the development permit will have no effect and any development carried out under the permit will not be lawful. DILGP considers that further clarifying amendments to the offence provisions in both the <i>Sustainable Planning Act 2009</i> and the <i>Planning Act 2016</i> would be appropriate in order to support this outcome.</p>



Row No	Clause	Submitter	Act and section	Key points	Departmental response
					This increase in penalty units will work together with the penalty applying to a certifier in contravention of section 83(1).
4	N/A	5 (BCC)	BA, sections 86 and 88	BCC suggests further amendments to change the timeframes for private certifiers to give approval documents to the local government and applicants. The amendments would require the certifier to give the documents to the council at least five business days before giving the approval to the applicant.	<p>DILGP notes that the council's suggestion would involve adding an additional timeframe to the building assessment process.</p> <p>DILGP agrees in principle with the outcome the council is seeking and undertakes to consult the council to determine an appropriate response consistent with maintaining the efficiency of the assessment system.</p> <p>The administration of the <i>Building Act 1975</i> falls under the Department of Housing and Public Works (HPW). DILGP officers will also liaise with HPW officers with a view to addressing council's concerns.</p>
5	37	5 (BCC)	PA, section 73A	<p>BCC questions the need to split the provision into separate parts for impact assessment and for matters that require a relevant preliminary approval.</p> <p>BCC also suggests that subsections (3) and (5) should reference a 'development permit given by an entity other than a private certifier' as well as a relevant preliminary approval.</p> <p>BCC has recommended substituting '<i>Sustainable Planning Act 2009</i>' for 'old Act'.</p>	<p>DILGP's view is that the provisions should not be merged. The current structure of the provisions is primarily a drafting matter for OQPC, and reflects the fact that the qualifications applying to a development application under subsection (4) do not apply to a development application mentioned in subsection (2).</p> <p>DILGP does not agree that the insertion of the reference to 'a development permit given by an entity other than a private certifier' in subsections (3) and (5) is necessary. Section 72 of the <i>Planning Act 2016</i> already contemplates that more than one development permit may need to be in effect before development may start. Clause 73A as currently drafted effectively and acts as a transitional provision, applying to preliminary approvals obtained under the <i>Sustainable Planning Act 2009</i> before commencement of the <i>Planning Act 2016</i>.</p>

Row No	Clause	Submitter	Act and section	Key points	Departmental response
					<p><b>However</b>, clause 65, which further amends section 83 of the <i>Building Act 1975</i> upon commencement of the <i>Planning Act 2016</i>, adds a reference to the need for a development permit (already contemplated by section 72 of the <i>Planning Act 2016</i>) in the same circumstances under which a preliminary approval is required under section 73A. These relationships are described in the explanatory notes for clause 37 (see in particular paragraphs 4-7 on page 25).</p> <p>DILGP will consult with the council with a view to explaining how these provisions are intended to work together.</p> <p>DILGP does not support substituting the term 'old Act', as this is a defined term in the <i>Planning Act 2016</i>, and means '<i>Sustainable Planning Act 2009</i>'.</p>
6	56	5 (BCC)	PA, section 307A	BCC notes that the new provision preserves the existing SPS conversion application rights for applicants who have a <i>Sustainable Planning Act 2009</i> development approval in effect when the <i>Planning Act 2016</i> commences. BCC points out that the provision does not contain the limitation under <i>Sustainable Planning Act 2009</i> s658(b) that the application may be made only if the construction of the non-trunk infrastructure has not started.	<p>Clause 307A provides a transitional right for a person to apply for conversion of non-trunk infrastructure, despite a new limitation in section 139(2) of the <i>Planning Act 2016</i> that such an application must be made within one year after the related development approval takes effect.</p> <p>Section 307A only acts despite section 139(2), and would still be subject to the requirement applying for the whole subdivision under section 138 that construction of the relevant trunk infrastructure had not started.</p> <p>Nevertheless DILGP agrees that section 307A could be expressed more clearly, and proposes to amend clause 307A(2) to state that section 139(2) does not apply in relation to an application for conversion of non-trunk infrastructure made after the commencement.</p>

Row No	Clause	Submitter	Act and section	Key points	Departmental response
7	63	5 (BCC)	Consequential Act, section 39, which amends the BA section 6	See comment for clause 6 (Row 1).	See comment for clause 6 (Row 1).
8	65	5 (BCC)	BA, section 83	See comment for clause 8 (Rows 2 and 3).	See comment for clause 8 (Rows 2 and 3).  DILGP considers that providing an example to the <i>Building Act 1975</i> s83(1)(b) may be appropriate to clarify the outcome sought.
9	69	5 (BCC)	SPA, section 120	BCC supports the amendments relating to when a TLPI has effect, however requests that they have effect from when the council resolution is made, without waiting for the Minister's approval.	The <i>Planning Act 2016</i> section 9(4) already includes the ability for a TLPI to have immediate commencement from the day the local government resolved to give the TLPI to the Minister, including a request for the earlier commencement, with the Minister's agreement in writing. The amendment to the <i>Sustainable Planning Act 2009</i> reflects this intent.  As such, DILGP's view is that the amendment suggested by council is not required.
10	72	5 (BCC)	SPA, section 245A	See comment for clause 37 (Row 5).	The current structure of the provisions is primarily a drafting matter, and reflects the fact that the qualifications applying to a development application under subsection (4) do not apply to a development application mentioned in subsection (2).  DILGP will consult with the council with a view to explaining how these provisions are intended to work.
11	74	5 (BCC)	SPA, section 457	BCC supports the amendments sought.	N/A

Row No	Clause	Submitter	Act and section	Key points	Departmental response
12	78	5 (BCC)	SPA, section 578	BCC recommends the provision be further amended so that a development offence occurs if assessable development is carried out without a development approval, rather than a development permit.	<p>DILGP agrees that an appropriate amendment would be desirable to create a clearer link between the provisions under proposed clause 72 and the offence under section 578 of the <i>Sustainable Planning Act 2009</i>. However, the council's suggested amendment may imply that development may be carried out under a preliminary approval, contrary to sections 241 and 243 of the <i>Sustainable Planning Act 2009</i>.</p> <p>DILGP proposes that a provision be added to section 578 of the <i>Sustainable Planning Act 2009</i>, or alternatively that clause 72 of the Bill be amended to clarify that a development permit that does not authorise part of building work to occur under proposed section 245A is not "effective" for section 578 of the <i>Sustainable Planning Act 2009</i>, consequently starting development under such a development permit would be a development offence.</p>
13	31 - 58	6 (CRC)	PA	CRC supports all amendments with the exception of clause 43, which amends section 82 to provide for properly made submissions for a development approval to apply to a change application made within 1 year of the development approval being given. BCC considers that the time period for submissions to apply should be consistent with the currency period for the approval, and not limited to 1 year.	<p>DILGP does not support the recommended amendment.</p> <p>The 1 year period is consistent with a similar period under the <i>Sustainable Planning Act 2009</i> in relation to submissions on withdrawn applications. That provision was intended to prevent applicants from withdrawing and resubmitting applications primarily to confuse or discourage submitters.</p> <p>Similarly, proposed clause 43 is intended to prevent applicants from seeking approval for some aspects of development more likely to be acceptable to the community, and later seeking to change the approval to add less acceptable components in the hope of avoiding submissions to the change application.</p>

Row No	Clause	Submitter	Act and section	Key points	Departmental response
					<p>The provision is not intended to ensure that <b>all</b> submissions for the original development approval are considered in any change. Currency periods for approvals can be lengthy, and communities of interest and planning instruments may change in a way that renders earlier submissions irrelevant.</p> <p>If an original development application required public notification, any related change application must also be notified, so the community's capacity to comment on the proposed change is not restricted.</p>
14		6 (CRC)	Consequential Act generally	CRC supports all amendments.	N/A
15		6 (CRC)	SPA generally	CRC supports all amendments, in particular the bringing forward of the earlier commencement for TLPs, and for the increase in the maximum penalty units for a development offence.	N/A
16	8, 65	7 (SCRC)	BA, section 83(1)(b)	<p>SCRC considers the <i>Building Act 1975</i>, section 83(1)(b) amendments are confusing. The amendment allows a private certifier to issue a building approval without the necessary development permit, if the work requiring a development permit will not interfere with the form or location of the building work. BCC considers that the private certifier should not give a building approval at all until any necessary development permit is given for the development that is not assessed by the private certifier.</p>	<p>DILGP does not support the recommended amendment.</p> <p>The current arrangements under the Building Act, section 83(1) prevent a certifier giving a development approval for building work until all "necessary" development permits for other development are in effect. However there is no guidance on what development permits are "necessary" in this context.</p> <p>Furthermore the current provisions imply that the restriction only applies if the other development forms part of the building development application made to the certifier. An applicant may simply choose not to include other related development (such as a material change of use or operational work) in the building development application in order to avoid the restriction.</p>

Row No	Clause	Submitter	Act and section	Key points	Departmental response
					<p>Clause 6 of the Bill limits a “building development application” made to a private certifier to building work. Consequently clause 83(1)(a) requires amendment as it currently implies that such applications may include other development.</p> <p>Clause 83(1)(a) has also been modified to provide guidance about the circumstances under which a private certifier must await effective development permits for other related development, for example where the other development may affect the form or location of the building work, or the use to which it is put.</p> <p>The private certifier should not have to await those development permits for development that does not affect the form or location of the building work, for example landscaping or site drainage works.</p>
17		7 (SCRC)	BA generally	SCRC is concerned the provisions do not remove the duplication and complexity of regulation of BW associated with development assessable under the planning scheme.	<p>The amendments do not change the complexity of the regulation of development assessable under a planning scheme. This is a role for planning schemes provided for under the planning legislation.</p> <p>The intent of the amendments is to clarify the arrangements that apply to the assessment of building work by a private certifier and when the certifier must await a relevant preliminary approval or development permit for other parts of building work that are assessable under the planning scheme.</p>
18	37	7 (SCRC)	PA, section 73A	SCRC considers the proposed <i>Planning Act 2016</i> , section 73A is confusing. The Act should specifically refer to a development permit for the building work assessable under a planning scheme.	<p>See response in row 5 above.</p> <p>It is necessary to read proposed clause 73A together with the amendments in clauses 8 and 65 of the Bill.</p> <p>The effect of these clauses read together is explained in the explanatory notes (in particular paragraphs 4-7 on page 25).</p>

Row No	Clause	Submitter	Act and section	Key points	Departmental response
19	34	26 (QELA)	PA, section 49	QELA is concerned that it is unclear why a decision notice or negotiated decision notice for a change application is excluded from the definition of a decision notice.	<p>There is a common definition of <b>decision notice</b> in the dictionary, which applies to all forms of decision notice, including those for change applications.</p> <p>There is also a definition of <b>decision notice</b> in section 49 of the <i>Planning Act 2016</i>. However this definition is only relevant for clarifying the notices that act to give effect to a development approval. A decision notice for a change application changes an effective development approval, but does not give it effect in the first instance.</p> <p>DILGP's view is that further amendment is not required.</p>
20	37	26 (QELA)	PA, section 73A	QELA suggests subsections (3) and (5) be amended to include reference to development permit as well as a relevant preliminary approval.	See response in rows 5 and 18 above.
21	38	26 (QELA)	PA, section 74	QELA supports the amendment.	N/A
22	43	26 (QELA)	PA, section 82	QELA considers the amendment to provide for properly made submissions to apply for a change application made within 1 year of the development approval is not supported as the content of the submission may not be relevant to the change application, or may be out of date or superseded. Also it is unnecessary as the responsible entity must have regard to any properly made submissions as they are part of the common material the responsible entity must have regard to as prescribed by the regulation under section 45(5)(a)(ii).	<p>Section 45(5)(a)(ii) provides a basis for a regulation to prescribe properly made submissions about a development application as matters that the development application must be assessed against.</p> <p>Similarly section 82(2) provides a basis for a regulation to prescribe properly made submissions about a change application as matters that the change application must be assessed against.</p> <p>However there is currently no basis in the <i>Planning Act 2016</i> for submissions on an earlier development application to be considered as part of the assessment of a subsequent change application for the development approval for the development application.</p>

Row No	Clause	Submitter	Act and section	Key points	Departmental response
					The proposed section 82(5) provides a <b>limited</b> basis for submissions on an earlier development application to be considered as part of the assessment of a subsequent change application for the development approval, for the reasons given in row 13.
23	50	26 (QELA)	PA, section 230	QELA supports the amendment.	N/A
24	69	26 (QELA)	SPA, section 120	QELA is concerned with this amendment as it is too difficult for the community to read the minutes of the local government resolution, and bringing forward this power to give earlier commencement to TLPIs before the commencement of the <i>Planning Act 2016</i> is not supported.	The amendment has been included as a mechanism to give urgent protection to heritage and character housing and other matters.  The amendment reflects the policy intent of the <i>Planning Act 2016</i> and simply allows the mechanism to be available to local governments as soon as possible.
25	73	26 (QELA)	SPA, section 456	QELA supports the amendment.	N/A
26	74	26 (QELA)	SPA, sections 457, 457A & 457B	QELA supports the amendment but does not see the utility in starting these provisions prior to the commencement of the <i>Planning Act 2016</i> .	DILGP's view is that the amendment reflects the Government's intentions.
27	75	26 (QELA)	SPA, section 482	QELA supports the amendment.	N/A
28		26 (QELA)	SPA penalty units generally	QELA notes that the increase is substantial.	No further amendment is required.
29	89	26 (QELA)	SPA, Ch 10	QELA supports the amendment.	N/A
30	37	29 (MBRC)	PA, section 73A	MBRC suggests the omission of the reference to 'under the old Act' from the definition of 'relevant preliminary approval', so that the application of the section is not limited to approvals under the <i>Sustainable Planning Act 2009</i> .	Refer to explanation under row 5 above.
31	49	29 (MBRC)	PA, section 115	MBRC considers the provision that requires a party to a breakup agreement must publish a copy of the agreement on the party's website is inconsistent with the draft Planning Regulation, schedule 24 section 3(4)(a) which requires only that a local government may publish the breakup agreement on its website.	DILGP agrees there is an inconsistency and undertakes to amend the draft Planning Regulation to remove the inconsistency.



Row No	Clause	Submitter	Act and section	Key points	Departmental response
32	56	29 (MBRC)	PA, section 307A	MBRC is concerned that there is no time limit on when a conversion application may be made if the development approval is in force when the old Act is repealed, and suggests the 1 year time limit is imposed.	Refer to response in row 6 above.
33	58	29 (MBRC)	PA, schedule 2 definition of 'building work'	MBRC considers the definition should not be amended and needs to be retained to maintain consistency between the definitions for the same term in the <i>Planning Act 2016</i> and the <i>Building Act 1975</i> .	<p>DILGP's view is that the amendment to the definition is required.</p> <p>The relevant paragraph in the definition of <b>building work</b> refers to a management practice not affecting the structure of the building. Under the Building Act 1975 this may be relevant to the approval of management practices in relation to existing buildings, but is not relevant to the assessment of development applications.</p> <p>The relevant paragraph is not included in the definition of <b>building work</b> under the <i>Sustainable Planning Act 2009</i>.</p>
34	65	29 (MBRC)	BA, section 83	MBRC suggests the amendment will not prevent private certifiers from issuing premature building development approvals. Section 73A of the <i>Planning Act 2016</i> should be amended as suggested under clause 37 to ensure that it applies to building development applications lodged after the commencement of the <i>Planning Act 2016</i> .	Refer to response in row 12 above.
35	70	29 (MBRC)	SPA, section 241(2)	MBRC suggests the provision should be clarified to state when a preliminary approval is required, and propose the subsection be replaced with the words 'However, except in the circumstances outlined in section 245A, there is no need to get a preliminary approval for development.'	Clauses 70 and 71 already propose the insertion of notes at the end of sections 241 and 243 to this effect.

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36	32	30 (Development Watch Inc)	PA, section 19	MBRC notes that the reference to Coastal Act section 167(5)(c) should be 167(2)(c).	The reference is correct. The <i>Planning (Consequential) and Other Legislation Amendment Act 2016</i> makes changes to the <i>Coastal Protection and Management Act 1995</i> , section 167, which are then further modified under clause 67 of this Bill. The combined effect of these amendments is to include a section 167(5)(c) in the <i>Coastal Protection and Management Act 1995</i> which includes the regulation making power referred to in clause 32 of the Bill.
37		32 (GCCC)	generally	GCCC supports the early planning reforms contained in the PA and the Planning and Environment Court Act 2016, and the amendments to the planning and building legislation clarifying the circumstances for BW approvals.	DILGP welcomes GCCC's support.
38	32	32 (GCCC)	PA, section 19	<p>GCCC is concerned that the proposed definition of 'tidal area' does not sufficiently provide for all relevant tidal waters in the city, and that the definition should be reviewed to include all relevant tidal waters.</p> <p>GCCC considers that the definition should not be limited to prescribed tidal works to enable the consideration of appropriate planning scheme provisions in the assessment of development below the high water mark.</p>	<p>GCCC mentions proposed section 19(3)(c), which refers to tidal waters in rivers, streams and artificial waterways, in support of its view that the definition of <b>tidal area</b> does not sufficiently provide for all tidal water in the city, in particular Southern Moreton Bay and the Broadwater. However, it is considered these areas <b>are</b> covered by section 19(3)(c) which refers to areas seaward of the high water mark and <b>outside</b> a river, stream or artificial waterway.</p> <p>The definition of <b>tidal area</b> does not in itself limit a council's planning scheme in dealing with matters other than prescribed tidal works, provided the tidal area is within the local government's area. This has been the case, at least since the <i>Local Government Regulation 2012</i> confirmed that tidal water within the boundaries of local governments as shown on local government boundary maps were in the local government's area, and clause 32 does not seek to change this.</p>

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					For tidal works outside the local government's tidal area, the chief executive is, and will continue to be, the assessment manager in most cases. The matters the assessment manager must assess an application against, or have regard to, will be set out in the <i>Planning Regulation 2017</i> . GCCC's views about taking into account the planning scheme will be considered in finalising the regulation.
39		32 (GCCC)	Consequential Act, SEQ Water Act	<p>GCCC believes that there is an oversight in the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> (SEQ Water Act) which prevents it from collecting infrastructure charges levied by Allconnex that were not yet due for payment when Allconnex was dissolved on 30 June 2012.</p> <p>GCCC recommends an amendment be made to enable it to recover these infrastructure charges which have become overdue after 1 July 2012, as if the debt were overdue rates, similar to how it can recover debts owing to Allconnex at 30 June 2012.</p>	<p>The Department of Energy and Water Supply advises that the SEQ Water Act is deliberate in how it deals with overdue charges that can be recovered under the Local Government Act, and that an overdue charge does not include an infrastructure charge that was not yet due when Allconnex was dissolved – instead the SEQ Water Act treats these as 'unrealised assets'.</p> <p>Under the SEQ Water Act the retransfer scheme that must be entered into by GCCC and Allconnex must provide for a process to account for the unrealised assets and liabilities of Allconnex, and for all of the unrealised assets to be transferred to GCCC.</p> <p>DILGP considers that further consideration of the issue is in consultation with GCCC and the Department of Energy and Water Supply is warranted to determine whether a legislative amendment is necessary.</p>
40	various	34 (PCA)	Building and planning Acts, various	PCA considers the proposed changes will add complexity to the process under the planning legislation. The amendments should be simplified.	DILGP's view is that the amendments are as succinct as the current legislative arrangements allow, and are explained in detail in the explanatory notes.

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41	6	34 (PCA)	BA, section 6	PCA queries why section 6(b) is not also limited to assessment against the building assessment provisions.	The following sections of the <i>Building Act 1975</i> limit the assessment of development applications by certifiers to assessment against the building assessment provisions: <ul style="list-style-type: none"> <li>• Section 7 (which defines <b>building assessment work</b>);</li> <li>• Section 10 (which defines <b>building certifying function</b>, as carrying out building assessment work); and</li> <li>• Sections 47 and 48 (which set out the functions of private certifiers, including the performance of building certifying functions).</li> </ul>
42	8	34 (PCA)	BA, section 83	PCA queries why the first reference to 'building work' in section 83(1)(a) does not refer to 'building work that must be assessed against the building assessment provisions'.	Section 83(1)(a) deals with development <b>other than building work</b> (material changes of use, reconfiguration etc).  Section 83(1)(b) deals with the distinction between building work to which the building assessment provisions apply, and other "parts" of building work.
43	34	34 (PCA)	PA, section 49	PCA suggests the amendment does not reference a minor change.	DILGP's view is that the provision does not need to distinguish between negotiated decision notices for minor change applications and other change applications, as it is not possible to apply for a negotiated decision notice for a minor change application. Consequently the reference in clause 34 to a change application can only be referring to a non-minor change application.
44	37 and 72	34 (PCA)	PA, section 73A SPA section 245A	PCA suggests that section 73A(4)(b) of the <i>Planning Act 2016</i> and section 245A of the <i>Sustainable Planning Act 2009</i> should make it clear that none of the referral agencies are required to assess the application against or having regard to, the matter by their referral jurisdiction.	DILGP's view is that the amendment as suggested is not necessary. Under the Act a referral agency is limited to the matters for which it is a referral agency. It has no jurisdiction to assess other matters.
45	69	34 (PCA)	SPA, section 120	PCA does not support the earlier commencement of a TLPI, as there is a risk that a person may undertake an activity that was legal at the time but subsequently becomes unlawful because of the retrospective operation of a TLPI.	The amendment has been included as a mechanism to give urgent protection to heritage and character housing and other matters.

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					The amendment reflects the policy intent of the <i>Planning Act 2016</i> and simply allows the mechanism to be available to local governments as soon as possible.
46	74	34 (PCA)	SPA s 457	PCA has concerns with removal of Court's discretion to determine appropriate allocation of costs for appeal proceedings on a case by case basis, as it means a party can bring forward an appeal which would inflict significant time and cost delays on another party.	This amendment brings forward the policy intent under the <i>Planning Act 2016</i> . DILGP does not support the proposed amendment to reinstate the Court's discretion in awarding costs as it is not consistent with the policy intent.
47		36 (LGAQ)	Building and planning Acts (point 3.4)	<p>LGAQ considers the amendments to the planning Acts create a potential inconsistency with the Building Act 1975 which prohibits the giving of a development permit by a private certifier in particular circumstances, but the planning Acts contemplate and provide for the possibility of such an approval being given notwithstanding the <i>Building Act 1975</i> prohibition.</p> <p>LGAQ considers a consistent approach would be preferred by local governments so that it is clear under both Acts that a private certifier simply must not give a building development approval in the absence of the relevant preliminary approval or development permit for the part requiring assessment against a planning scheme.</p>	DILGP's view is that the Bill already achieves this outcome (refer to row 5 above). However, a clearer link between a breach of section 83(1)(b) of the Building Act 1975 and starting development without an effective development permit would be desirable (refer to row 12 above).
48	8	36 (LGAQ)	BA section 83(1)(b) (point 3.6(a)) and recommendations 4 and 9)	<p>LGAQ considers an example should be reinstated to make it clear how the provision is intended to operate—</p> <p><i>Example—</i>  <i>A proposal comprises building work which requires assessment against both the building assessment provisions and a planning scheme under the Planning Act. The private certifier is engaged to carry out the assessment against the building assessment provisions and decide the building development application. The building development application must not be decided until all relevant preliminary approvals for the building work assessable against the planning scheme under the Planning Act are effective.</i></p>	DILGP considers that providing an example to the <i>Building Act 1975</i> s83(1)(b) may be appropriate to clarify the outcome sought.

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49	37	36 (LGAQ)	PA section 73A (point 3.7(a) and recommendation 7)	LGAQ considers Section 73A subsections (3) and (5) should include a reference to a development permit given by an entity other than the private certifier to complete the 'backstop' and make clear that a development permit given by a private certifier does not authorise the carrying out of BW unless a preliminary approval or a development permit is obtained for the part requiring assessment against the planning scheme.	DILGP does not support the proposed change – refer to row 5 above.
50	65	36 (LGAQ)	Consequential Act which amends BA section 83(1)(b) (point 3.7(b) and recommendations 8 and 9)	<p>LGAQ suggests amendments as follows—</p> <ol style="list-style-type: none"> <li>1) The section should be amended to refer to a development permit given by an entity other than the private certifier, with reference to section 73A of the <i>Planning Act 2016</i></li> <li>2) An example should be reinstated for section 83(1)(b) to make it clear how the provision is intended to operate, as follows.</li> </ol> <p><i>Example— A proposal comprises building work which requires assessment against both the building assessment provisions and a planning scheme under the Planning Act. The private certifier is engaged to carry out the assessment against the building assessment provisions and decide the building development application. The building development application must not be decided until all relevant preliminary approvals for the building work assessable against the planning scheme under the Planning Act are effective.</i></p>	<p>DILGP's view is that the recommended amendment is not required. The provision as drafted already requires 'a development permit given by an entity other than a private certifier' to be in effect before the private certifier can give an approval. However, DILGP considers that the provision could be simplified to clarify the intent. See also response in row 5 above.</p> <p>DILGP considers that providing an example to the <i>Building Act 1975</i> s83(1)(b) may be appropriate to clarify the outcome sought.</p>

Row No	Clause	Submitter	Act and section	Key points	Departmental response
51		36 (LGAQ)	BA section 83(1)(b), 88 (points 3.6(b) and (c)), recommendations 5 and 6)	LGAQ suggests additional amendments be made as follows— 1) The maximum penalty for an offence against section 83(1)(b) should be increased in line with development offences under the PA to 4500 penalty units 2) The requirements for a private certifier to give approval documents under section 88 of the <i>Building Act 1975</i> should be subject to the private certifier first receiving the relevant acknowledgement from the local government under section 87 to ensure that the local government is made aware of the proposed approval before the private certifier gives it to the applicant.	Refer to response for row 12 above.  The administration of the <i>Building Act 1975</i> is the responsibility of HPW. Further consideration of the second part of this point will be undertaken in consultation with that department.
52		36 (LGAQ)	SPA and PA (point 3.8 and recommendations 10 and 11)	LGAQ suggests the amendment of section 578(1) of the <i>Sustainable Planning Act 2009</i> and section 163(1) of the <i>Planning Act 2016</i> so that development offence provisions make it clear that it is an offence to carry out assessable development in the absence of all necessary development approvals, including preliminary approvals.	Refer to response at row 12 above in relation to the <i>Sustainable Planning Act 2009</i> . The offence provisions in the <i>Planning Act 2016</i> already make it clear that starting development without all necessary development permits is an offence.
53	6, 72	38 (ICC)	Planning and building Acts generally	ICC advises it has been giving development permits for BW assessable against the scheme since the Ipswich planning scheme came into effect in 2004.  ICC is concerned that the amendments to the <i>Sustainable Planning Act 2009</i> section 245A and <i>Building Act 1975</i> section 83(1)(b) and 83(4) appear to limit a council to giving only a preliminary approval for aspects of BW assessable under its planning scheme.  Proposed sections 245A(2) and (3) lack clarity regarding a council's ability to regulate aspects of BW other than those that are impact assessable under the planning scheme. ICC's planning scheme utilises code assessment as well as impact assessment.	Recent decisions of the Planning and Environment Court have confirmed that, if aspects of building work need to be assessed under both a planning scheme and the building assessment provisions, it is necessary for one of the relevant entities to first give a preliminary approval, and the other to then give a development permit. The amendments in the Bill are consistent with these findings.  Section 245A(2) and (3) do not prevent a council from regulating aspects of building work through code assessment. They merely require a preliminary approval to be first given in the unlikely event the building work requires impact assessment under a council's planning scheme.

Row No	Clause	Submitter	Act and section	Key points	Departmental response
				<p>ICC recommends the Bill be amended—</p> <ol style="list-style-type: none"> <li>1) to provide for a council to give a preliminary approval or a development permit for aspects of BW assessed under its planning scheme.</li> <li>2) to make it clear that BW may be regulated as either code assessment or impact assessment in a planning scheme.</li> </ol> <p>These proposed recommendations if made should also be carried over to the amendments to the <i>Planning Act 2016</i> section 73A.</p>	Sections 245A(3) and (4) deal with other circumstances under which a preliminary approval may be required, including if aspects of building work require code assessment under a planning scheme, and are not part of the building assessment provisions
54	40	38 (ICC)	PA section 76	<p>ICC considers the effect of section 76 and the subsequent removal of the timeframe for giving a negotiated decision notice in the development assessment rules means that the change representations must be received, assessed, decided and a notice issued by the assessment manager during the applicant's appeal period, which is 20 business days if not suspended by the applicant. The assessment manager is only afforded an additional 20 business days to assess change representations where the applicant has suspended the appeal period. If the appeal period is not suspended, the assessment manager only has the balance of the appeal period to assess and decide change representations.</p> <p>ICC recommends the provision be amended to provide for a standard 20 business day period for the assessment manager to assess and decide change representations, to apply from the receipt of the change representations regardless of whether the applicant suspends the appeal period or not.</p>	<p>Sections 75 and 76 of the <i>Planning Act 2016</i> respond to widespread stakeholder requests for a time limit on local governments assessing requests for negotiated decision notices.</p> <p>The provisions provide for an applicant to make representations during the applicant's appeal period, which the applicant may suspend for up to 20 days in order to make the representations. If the period is suspended, the assessment manager has 20 business days from when the representations are made to decide them before the appeal period starts again.</p> <p>Contrary to ICC's representations, sections 75 and 76 do not require a council to make a decision and notify the applicant before the end of the applicant's appeal period, although from the applicant's perspective, it would be best to have received the assessment manager's response before the appeal period ends. Consequently it is in the applicant's interests to ensure that a council has the maximum time to consider its response.</p>



Row No	Clause	Submitter	Act and section	Key points	Departmental response
55		40 (LCC)	Planning and building Acts generally	<p>LCC advised that the intent of the amendments is supported. However further clarity is required, in particular whether the local government approval may take the form of either a preliminary approval or a development permit (<i>Planning Act 2016</i> section 73A).</p> <p>ICC considers the matter appears to be somewhat clarified by the amendments to the Planning and Environment Court Act, section 83.</p>	Refer to response in row 5 above.