



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

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LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—IND) (4.45 p.m.): I have a couple of questions for the Minister. Clause 6 deals with returning officers for elections. I was interested in the retention of the term "Town Clerk". Are there sufficient councils across Queensland that still retain that position? I understood that in the majority of cases the term "Town Clerk" had been altered to "Chief Executive Officer" or a similar term.

Mr Mackenroth: That's only in relation to the City of Brisbane Act, not the Local Government Act.

Mrs LIZ CUNNINGHAM: I thank the Minister. In relation to the eligibility of local government to levy separate rates or charges, I have heard the Minister for Local Government speak about this matter at local government conferences and I am sure he said that local governments, if they make a decision, ought to carry the can. The local council should be able to carry any negative reaction from the community. I agree with that. Over time, I believe there have been councils across the State that have implemented the Act, or acted in accordance with the Act, and when things became a bit hot they blamed the Local Government Minister for whatever community reaction occurred.

Clause 10 refers to the meaning of "separate rate or charge". It reads as follows—

"A 'separate rate or charge' is a rate or charge made and levied on all or any rateable land for a service, facility or activity whether or not the service, facility or activity is supplied, or proposed to be supplied, by the council itself."

I understand that there is a lot of contracting out and that that could be what the clause refers to.

Can the Minister ever see that being interpreted in a way that meant that a separate rate or charge could be applied even though the service was not provided? I will give an example. I know of one local council which issued a special levy or rate—I am not sure what it was called—on all allotments in the local government area for the supply of water reticulation. Usually that is an incremental extension. As the suburbs grow, the water goes out with the suburbs. However, even the extreme areas of the council area had this special rate applied to them. It was not a high rate, but nevertheless it was there. It irritated many people. After about 10 years the rate was removed. People who had been paying the rate for 10 years still did not have reticulated water.

Could the way that this clause is constructed bring about the re-implementation of those sorts of charges? I refer to instances in which a facility or activity is supplied or proposed to be supplied by the council itself. It is not a case of contracting out but the levying of a rate for a facility or service that is never going to be realised.

The legislation refers to discount periods. This is commendable but I am not sure how some councils will react to it. The legislation refers to discount if special circumstances prevent prompt payment. This needs to be clear-cut for councils and communities. A lot of people will miss the discount period by one day. Those people write to the council and say, "But I only missed by one day. I posted it yesterday. You should have got it in the mail." I understand that there could be circumstances where somebody missed paying their rates because, perhaps, of the death of a spouse. That event overran every other consideration and the person did not have the presence of mind, understandably, to be able to meet their obligations. I wonder whether allowing this flexibility will create some problems for

councils. I understand that councils which allow the flexibility will carry the can. I wondered what feedback the Minister had received from councils.

The other issue that I wish to raise—and I may be misunderstanding it—relates to clause 76, special rates and charges, in which a number of examples are given, such as rural fire services and tourism promotion charges. However, the example that concerns me is the recreational facilities charge, levied over a two-year period, to contribute to the cost of building playground facilities and amenities in a nominated park. I understand that the Minister is giving the council the freedom to be able to levy a special charge for the provision of playground facilities in a special park. However, most people in the community would say that that recreational provision is covered in their rates. What representation was made to the Minister for the allowance of a special rate for that type of facility? As I said, most ratepayers would say, "But that is what we pay our rates for. Why are we being hit yet again?"

Clause 77 refers to the repayment of special rates and charges to the current owners if they are not expended. There have been incidents in which revenue has been raised from a group of people that has not all been expended. The reason for a local government not paying back that money has been that it is impossible to locate those people who actually paid the money. Some of them may have shifted and not left forwarding addresses; some of them may have died. How will local governments be able to explain the equity of repaying funds to landowners who, during the period of their ownership of the property, did not contribute to the fund and yet this clause is going to allow the council to repay that outstanding amount to those current owners of the land? I query the equity of that provision.

The last point that I want to raise relates to clause 81, which gives local government the ability to alter the discount date or discount period by resolution to allow each person liable to pay the rate a greater period of time to pay the rate and be allowed the discount. I would be interested in the rationale behind that clause, which inserts a new section 1014(1). What safeguards are going to be put in place to ensure that that particular flexibility is not abused, that is, that one person is given additional time to pay rates and receive a discount and perhaps a neighbour is not given the same extension? The clause relates to each person who is liable to pay rates. What protection is there to ensure that one person is not given preferential treatment over another? Sometimes that extension can be achieved in a private way. I am not in any way accusing any local authorities but, having been in local government and seen how close local government is to the community and how reactionary the community is to the activities of local government, I would be interested to find out how equity is going to be preserved in that clause.

My last query relates to clause 92, which extends the sunset clause from July 1999 to July 2000 for the Brisbane City Council. I wondered why that extension needed to be made.
