Speech by

# CARRYN SULLIVAN

## MEMBER FOR PUMICESTONE

Hansard 17 May 2001

### LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL

**Mrs CARRYN SULLIVAN** (Pumicestone—ALP) (6.35 p.m.): The Australian constitution requires members of this parliament to resign from their office if they wish to run for a federal seat, and many have readily done so in the past. Under the Queensland Local Government Act of 1993 councillors must forgo their position if they wish to run for the higher office of mayor. However, councillors who are candidates for election to state or Commonwealth parliaments can continue to be a councillor throughout their entire election campaign and retain their position on council if defeated.

This bill will change those arrangements to ensure that councillors resign before they run for other elections. I support the proposed change because I believe it is equitable and fair. There is no denying that former councillors have subsequently become excellent representatives in state and federal parliaments. Michael Lavarch springs to mind—a young, impressive councillor who became an even more impressive federal Attorney-General. As well as current members of the House who have served in local government, former illustrious members, including the Brisbane members Nev Warburton and Len Ardill, previously served local constituencies. Federal Senator Jan McLucas was also a former Cairns city councillor.

This amendment acknowledges the discrepancies between constitutional arrangements for elected representatives at a state level and existing arrangements for local council representatives. I can think of a number of reasons why some councils have a problem with this amendment. It may compromise some councillors' ambitions; it may interfere with their political time frames. What it will do is make sitting councillors think twice about deserting their ratepayers in the middle of their elected terms. It just might restore the faith of voters knowing that councillors might give a full and not part-time commitment to their roles.

I can recall the frustration of my colleague the honourable member for Glass House at having to run against a council candidate who commanded 70 per cent support while he ran as a so-called Independent in council, but then three months into his second term he decided to approach the National Party and put his name forward in the state election as a political candidate. He soon felt the ire of the voters as his support dwindled to a percentage in the low thirties.

There was some suggestion from the opposition that this amendment is not in the best interests of the ratepayers, but I suggest it is. It is in their interests financially because it will save by-election money. It will also save councils' resources being used to promote a political candidate, which has been done in the past, and ratepayers just might for once get what they actually voted for—a full-time, full-term councillor. If a member resigns, they leave a gap in the council, and people do not have their representation for some time. There was also a suggestion that, because no other state had these constraints, we should not introduce it. Do we want Queensland to simply follow other states like sheep? I suggest that we should encourage and urge other states to follow us. In this instance, they are behind the eight ball.

A further amendment will prevent local councils from making laws to prohibit or restrict the distribution of how-to-vote cards for elections under the Local Government Act 1993, the City of Brisbane Act 1924 or the Electoral Act 1992. This will prevent councils from contravening constitutional rights of freedom of communication. It simply reaffirms what is law.

The Integrated Planning Act 1997—or the IPA, as it is fondly known—has been in operation now for about three years. The legislation is both innovative in its approach and extensive in its operation. It is estimated that up to 100,000 applications are now processed annually throughout Queensland using the integrated development assessment system, or IDAS as it is commonly known. These range from simple building work applications to complex land development proposals. The Beattie government is committed to the implementation of the IPA and, as such, has an ongoing commitment to fix legislative problems as they emerge.

With a system as extensive as the IPA, it is inevitable that there will be operational issues to address. The current bill proposes a series of minor operational amendments to the IPA and an associated amendment to the Land Title Act 1994, or LTA. It is proposed to amend the current act to remove an ambiguity about when the ministerial call-in power may be exercised. The call-in power operates as a very broad reserve power available to both the minister administering the IPA and the minister administering the State Development and Public Works Organisation Act 1971 to enable them to call in a development application when the outcome could have a serious effect on the state interest.

Currently, the IPA and LTA are inconsistent in the way in which they deal with access easements. Amendments are proposed to both the IPA and the LTA to bring into line approval and registration requirements for these access easements. The IPA requires local governments to approve plans showing access easements, but currently the LTA does not require the approval as a prerequisite for the registration of these plans. The amendment brings the requirements into line by requiring that survey plans for access easements must be approved by local governments before the plans can be registered.

A further proposed amendment addresses the anomaly regarding planning controls in two local government areas. When the IPA was introduced in 1997, it was thought that all local governments in Queensland had planning controls over their entire local government areas. However, in Wambo and Belyando Shires, planning controls applied to only part of the respective local government areas. The proposed amendment extends interim development controls to the balance of the areas of each shire while they complete preparation of the new planning schemes.

The last proposed amendment relates to transitional provisions of the IPA. Under the former planning act, the regulatory controls for several estates, including Kawana Waters Estate, North Lakes Estate and Springfield Estate, were included in specially drafted development control plans. Transitional provisions were included in the IPA to recognise and protect these special plans. The proposed amendment reinforces the intent of the act, which is to preserve the validity of these plans and the special processes that they contain for approving precinct and other plans and development carried out in accordance with them.