



Speech by

**GARY FENLON**

**MEMBER FOR GREENSLOPES**

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Hansard 30 October 2003

**LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL**

**Mr FENLON** (Greenslopes—ALP) (5.00 p.m.): I rise to speak in support of the Local Government and Other Legislation Amendment Bill 2003. In doing so, I wish to affirm the importance of the changes in relation to the amendments that will make it clear that local governments cannot use their local law-making powers to prohibit electoral signage for all elections. This has been a controversial issue around the state, and we have seen some very curious pronouncements by local councils about the regulation of election signs. As we have heard in the debate already, complete bans on election signs certainly infringe the rights of candidates and would appear contrary to other rights and obligations.

The regulation of the signage at elections at the three levels of government will continue to be problematic and controversial. I would like to assist the debate this afternoon by relating some experiences in the southern suburbs of Brisbane in various elections at different levels of government. One of those experiences related to the last federal election, where particular interpretations were given to the local laws at the time. The advice that I had received prior to the election was that the particular local laws pertaining to the regulation of election signage under the Brisbane City Council district were in two places—the Brisbane City Council local law policy Control of Outdoor Advertising 1999, by resolution 8 December 1998, which commenced operation on 8 January 1999, and the other law was that contained within local law No. 1, Control of Advertising, at the time.

I sought clarification from the minister subsequently, because the city council inspectors produced on the day of the election a ready reckoner. I think it was produced by the council prior to that. It was titled Ready Reckoner—Polling Day Election Stalls at a Polling Place. This ready reckoner provided specific detail that I think was intended to interpret the local laws that I have already mentioned. It certainly created some controversy as to whether the ready reckoner was valid or went too far in particularising the local laws. The minister might be able to assist the debate in responding also by perhaps explaining how in election campaigns and election day polling activities, which I am sure all honourable members will be involved in in the future, local campaigns are to respond to the provision of documents such as ready reckoners that further particularise local laws and how they might be interpreted at a campaign level by each party.

I seek leave to table those documents—a letter from Nita Cunningham, MP, dated 6 December 2001 responding to my letter of 15 November 2001, with an attached ready reckoner.

Leave granted.

**Mr FENLON:** The other part of the legislation which I think is also very important—and I will touch on it briefly—is the legislation which pertains to ensuring adequate legislative foundation for the capping of rates and the discretionary power to cap rates levied on properties that were not used for all of a previous financial year. This regularises various practices that have been in place and it is a timely piece of legislation. This relates also to the amendment to make it explicit that rates can be capped up to a specified percentage increase. There is a great deal of interest in the community in this issue arising out of the size of the land valuation fluctuations in recent years. We have seen significant increases in land valuations. In my electorate area of Greenslopes we saw the start of very significant movements back in the late nineties. Many other parts of Queensland have seen similar radical jumps in valuations. Many have caught up to suburbs such as Coorparoo and Camp Hill in my electorate. We have also seen recent controversy on the Gold Coast.

I would like to ensure from this debate that there is a consciousness within this place, the local government sector in general and the wider community that local governments in Queensland have enormous discretion. I am informed that they have perhaps the most discretion of any local government jurisdictions in Australia to devise rates very liberally to relate to their particular circumstances, and that is to break down the extent to which the general rate is a major component of the overall rates and charges, to increase in specificity the rates and charges and their links to other consumer issues in terms of user pays, and to whatever other activities and services might be provided in a specific local government area.

It is important that the debate about the philosophies and principles underlying our rates and charges be encouraged and that we ensure that councils are secure in adjusting their rates to suit local conditions and indeed their political accountability to their ratepayers, whether this be in terms of restructuring the overall set of rates and charges or indeed in applying the use of capping as we see provided in this particular legislation. These are important initiatives and we look forward to the minister's clarification to members, particularly about my first point in relation to the workability of these laws when other documents and interpretive documents such as ready reckoners are produced by councils. I commend the bill to the House.