



Speech by

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LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL

Mrs ATTWOOD (Mount Ommaney—ALP) (5.13 p.m.): I rise to support the Local Government and Other Legislation Amendment Bill. I would like to talk particularly on signs, advertising material and the capping of rates. Election signage is an important campaign tool for voters to confirm the candidate and the party identity prior to elections. This bill puts in place a number of amendments to the Local Government Act 1993 relating to the conduct of local government elections. The electoral provisions in the bill will help maintain public confidence in local government electoral arrangements by providing greater consistency between the requirements for local and state elections and confirming case law that election signage cannot be prohibited by local laws.

The first amendment will make clear that local governments cannot use their local law making powers to prohibit electoral signage for any local, state or Commonwealth election. The amendment confirms the case law resulting from decisions of the High Court in a number of cases as to the implied constitutional freedom of communication in relation to political matters. The purpose of this amendment is to make clear that local laws and subordinate local laws will be invalid and to no effect if they attempt to prohibit electoral signage in a local government area during an election campaign.

Local governments may continue to develop local laws to regulate election signs where the regulation is linked to a clear purpose—public safety, concerns about property damage or limiting the signage to a reasonable period before and after an election. This clarifies a number of issues in relation to election signage. Local governments are responsible under the LGA for the good rule and government of their area and have a general jurisdiction to develop local laws to achieve this. Local governments can regulate electoral signage for public policy purposes, for example, public safety or concerns about property damage.

If a council decides that as part of its regulation it will allow only 10 or 20 signs per candidate to be erected, the question is: can council enforce this and, if so, under what part of the act? This raises the question of whether proliferation of election signs is a public policy issue. It is an issue for determination on a case by case basis. Arbitrary limits would be difficult to defend in a court. So a council would need some extra criteria for setting sign limits. Councils would be able to restrict election signage to certain sizes or places if they could justify the restriction as having a link to clear public purposes, for example, public safety, prevention of property damage, proximity to election dates or other public purposes.

Printed electoral advertising material no longer needs to carry the name of the printer. An amendment removes from the LGA the requirement for printed electoral advertising material to carry the name and the address of the printer. A similar provision applying to state elections has been repealed from the Electoral Act 1992. The Local Government Association of Queensland and the Urban Local Government Association have both made requests that this requirement be repealed.

In relation to the clarification of power of local governments to cap rates levied on properties, a number of constituents in my electorate have contacted me in the past about exorbitant increases in land valuations, sometimes up to 200 per cent. Most of these constituents have been successful on review to the Department of Natural Resources and have had their land valuations decreased. The main concern there was that there was a rise of rates and some of them were assets rich and income poor.

The Local Government Act of 1993 and the City of Brisbane Act 1924 were amended earlier this year to provide local governments with the discretionary power to cap rates levied on properties that were not rated for all of the previous financial year. This amendment allowed councils to calculate a notional amount of what rates would have been paid on that property had it been rated for the full year. The bill includes an amendment to make explicit that rates can be capped up to a specified percentage increase, which is good news.

Some councils have passed budget resolutions for this financial year which invoke the rate capping provisions based on the policy intent of the initial amendment. The bill includes provisions to validate such resolutions. These budget resolutions are validated because the councils acted in accordance with the policy intent to provide assistance to ratepayers. The Scrutiny of Legislation Committee has noted that the validated resolutions will be clearly beneficial to ratepayers and that it has no concerns about the retrospective operation of the relevant clauses of the bill. I congratulate the minister and her staff on all of the hard work that they have put into these amendments. I commend the bill to the House.