




Speech By
Glenn Butcher

MEMBER FOR GLADSTONE

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LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

 **Mr BUTCHER** (Gladstone—ALP) (3.09 pm): I will try and last as long as Michael, but I do not have his skill to make it up as I go along. I rise today to speak on the Local Government and Other Legislation Amendment Bill (No. 2) 2015. I would like to take this opportunity to thank the committee and particularly the member for Keppel, Brittany Lauga, whose knowledge and experience with regard to local government rules and regulations was invaluable. It was an enlightening experience for me. I would also particularly like to thank the secretariat, who did a great job turning our jumbled report into something absolutely fantastic. This bill was referred to the Infrastructure, Planning and Natural Resources Committee, which examined four changes to the act. As stated in the explanatory notes—

The *City of Brisbane Act 2010* (COBA) section 92D and the *Local Government Act 2009* (LGA) section 90D prohibit a local government from publishing or distributing election material during the caretaker period for a local government election. The *Local Government Electoral Act 2011* (LGEA) section 179 requires accepted how-to-vote cards to be available for public inspection at the place of nomination, the local government's public office and on the electoral commission's website.

Under the LGEA, the electoral commission accepts how-to-vote cards if satisfied that the cards are unlikely to mislead or deceive an elector in voting and comply with certain administrative requirements.

The Bill amends the COBA/LGA to correct the inconsistency with the LGEA by permitting an accepted how-to-vote card to be available for inspection at the local government's public office during the caretaker period for a local government election.

This may not seem necessary for many, but some people like to see who their nominees are and whilst in caretaker mode it is a fantastic opportunity for them. If the bill is not enacted before the caretaker period for the 2016 quadrennial local government elections held on 19 March 2016, the *City of Brisbane Act* and the *Local Government Act* will be in conflict with the *Local Government Electoral Act*. The early advice that we received during committee hearings is that the local government caretaker period will commence sometime in early February 2016, so we need to make sure that this bill is passed so those inconsistencies can be sorted out prior to that election.

The second part of the bill makes an amendment to the *Local Government Electoral Act* to remove an obsolete reference to mayoral first-past-the-post voting. On 1 January 2015 the system of voting for mayors in undivided local governments changed from first past the post to optional preferential, making the voting system uniform for mayors across divided and undivided local government areas and consistent with the method of voting for members of the Legislative Assembly. The explanatory notes further state—

The *Sustainable Planning Act 2009* (SPA) requires a local government that intends to levy an infrastructure charge to include a Local Government Infrastructure Plan (LGIP) in its planning scheme by 30 June 2016. SPA also requires an Infrastructure Charges Notice (ICN) issued by a local government to include information about any offset or refund that may apply.

As the member for Burleigh said, there was much debate and conjecture about how this was going to happen, and we were still very confused at the end of our hearings. The explanatory notes state—

However, many local governments have advised that they will not be in a position to prepare an LGIP by 30 June 2016 and so would not be able to impose charges on a development approval after this date. This may result in the local governments delaying or avoiding approving development applications that would have otherwise attracted significant charges. The Bill provides local governments with a further two years to have an LGIP in place if they have received the Planning Minister's approval for the extension.

Quite a few questions were asked of the department about why the extra time should be given, and the difference was that some of the local councils are fully manned and have these processes in place and are ready to go, but the department said that some councils have not even begun. This extension of two years will enable them to do the work. The explanatory notes state—

The Bill requires local governments to justify their ability to meet the extended timeframe.

Hopefully there will be penalties and enforcement. As stated in the explanatory notes—

The Bill has no impact on those local governments with an LGIP in place by 30 June 2016.

The requirement for an ICN to include information about any offset or refund that may apply has been effective in encouraging local governments to take proper account of the trunk infrastructure being delivered by the developer when the local government determines the appropriate charge. It has also provided applicants with certainty in relation to the value of their contribution to the cost of providing the trunk infrastructure. However, where the offset or refund is large enough to necessitate the approval of the local government's budget committee, this takes a considerable period of time to obtain, resulting in delays in development approvals. The current arrangement does not allow for an applicant who is either unconcerned about the prospect of an offset or refund, or is prepared to receive information about these matters at a later time, to advise the local government that they are not seeking information about an offset or refund in an ICN. The Bill allows an applicant to do so.

The *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* (SEQ Water Act) requires an ICN to include information about any offset or refund that may apply. The information in the ICN has provided water connection applicants with greater clarity and certainty around offsets and refunds for trunk infrastructure they may be required to provide. The information in the ICN also ensures the distributor-retailers properly account for trunk infrastructure that is conditioned on a water connection approval.

A large development however, may face delays in receiving a connection approval and ICN due to an offset or refund being of a magnitude that it requires specific budget approval within the distributor-retailer. However, an applicant may be unconcerned (at the time of approval) about the prospect of an offset or refund, or is prepared to receive information about these matters at a later time.

The decision is then up to them as to how they want to move forward. The current arrangement does not allow an applicant to provide the distributor-retailer with advice that the applicant is not seeking offset or refund information in an infrastructure charges notice. I am sure that those members yet to speak to this bill will be absolutely thrilled to continue with this debate. I commend the bill to the House.