




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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Record of Proceedings, 10 November 2015

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

 **Mr HART** (Burleigh—LNP) (3.01 pm): I also rise to speak about the Local Government and Other Legislation Amendment Bill (No. 2) 2015. I will be brief as well. This is quite a non-controversial bill. I do want to speak briefly about the local government infrastructure plans. Firstly, I will cover the other aspects of the bill.

Part of the bill amends the City of Brisbane Act 2010 and the Local Government Act 2009. Both of these acts prohibit a local government from publishing or distributing election material during the caretaker period for a local government election. However, the Local Government Act 2011 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. The bill amends those two acts 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. Secondly, the bill makes a minor amendment to the LGEA to repeal an obsolete reference to mayoral first-past-the-post voting as a consequence of the change made on 1 January 2015 to the voting systems for mayors in undivided local governments from first past the post to optional preferential voting.

Thirdly, under the Sustainable Planning Act the government currently requires local governments that extend a levy on infrastructure charges to include a local government infrastructure plan in its planning scheme by 30 June 2016. I will speak briefly about the reasons for that. When that bill was introduced in 2014 it came to the committee of which I was a member. There was a feeling at the time that there may be some instances where councils were charging for infrastructure that was not in place, had already been paid for by somebody else or was at an inflated price. At the time the government decided that the best way to deal with this would be for local governments to have those infrastructure plans in place. Until they do, they basically cannot charge for those infrastructure plans after 30 June 2016. That was the penalty that was involved. If local governments do not have those infrastructure plans in place by 30 June, they cannot charge an infrastructure charge in the future. That is what this bill fixes by pushing out that date for two years.

My concern revolves around that two-year period. On 1 October we heard from the department that there were no local governments that had provided a local government infrastructure plan. Being 18 months down the path, one would have thought that perhaps some of the local governments, especially the bigger ones that have the necessary manpower, may well have been able to provide those infrastructure plans. After all, they told the government that they could; that is why the two-year period was put in place. They knew full well that at 30 June 2016 they would no longer be able to charge infrastructure charges if they did not put those plans in place, and yet none of them did. Perhaps someone will pass this on to the Deputy Premier when she returns to the chamber. I would like to know

how many local government infrastructure plans are in place now. I think there are one or two, and possibly the people from the department can enlighten us later. We heard from the department that they were anticipating there would not be too many more before 30 June. We did look at why we needed to extend the time for the plans for another two years. That seemed like the best outcome for everyone. That is why the committee only made one recommendation, and that is to pass this bill.

My concern revolves around the clarification that the Deputy Premier just made. One of the questions that the committee did ask is if she could explain the consequences for local governments if they are unable to meet the requirements of the project plan, and I will briefly talk about the project plan. The minister will require the councils to put forward a project plan as to when they are going to put in their infrastructure plan. What we have here is a plan for a plan. Some members in this House will probably remember that the Labor Party is good at producing plans for a plan but not actually coming up with a plan at the end of the day. Now they seem to be extending that to local government as well, which is pretty interesting. A plan for a plan—what can I say?

The Deputy Premier said that the consequence for local governments is going to be that they will not be able to charge infrastructure charges after the extension period, which runs to 30 June 2018; however, that is the consequence right now. The consequence at 30 June 2016 is that no council is going to be able to charge infrastructure charges if they do not have a plan in place. All we are doing is saying, 'We are going to move this back two years and the same old consequence will apply.' If the councils have not met the time frame by 30 June 2018, they are not going to be able to charge infrastructure charges. When we get close to that I suspect the government of the day may say, 'We are going to need to push it out again.' One has to wonder what these councils are doing. Why is it that they have not come up with these infrastructure plans? One answer to that might be that it does not suit them to come up with an infrastructure plan because the moment they have an infrastructure plan in place that is what they have to charge for.

There has been quite a bit of confusion around the place as to what is trunk and non-trunk infrastructure. We heard from the department that there may be some decision made around the size of a pipe. Once it gets to a certain size, possibly it becomes trunk infrastructure and a developer may well be conditioned to put in that particular trunk infrastructure and then claim some sort of offset or refund for it. We are unsure exactly what that is and the department is unable to give me a clear definition of what is trunk and non-trunk infrastructure. That could possibly be something else that the Deputy Premier might be able to explain to me in her reply—what is trunk and non-trunk infrastructure—so that the people out there who are working in this decision area have a clear view of what it is. I am not a planning expert, but our committee had the benefit of having a planning expert, and I thank the member for Keppel for her input on that. It was an advantage to us to have someone who knows a little bit more than I do about it and to give us a bit of feedback about it.

I still have some real concerns about offsets and refunds. That is not going to go away, and I hope that will not become a problem. Developers may decide that they do not need to know about the offset or refund and that they are happy to have their development approved in a timely fashion because the holding cost that may be involved in their development perhaps exceeds the offset or refund that they might get for trunk infrastructure charges and they may make a decision to move away from that. That is an ongoing concern that I have, and I will be watching this space closely to see what happens in the future. There are other members of the committee who want to speak on this bill and nine minutes is pretty good, so I will just leave it at that.