




Speech By  
**Nikki Boyd**

**MEMBER FOR PINE RIVERS**

---

Record of Proceedings, 20 March 2018

### **LOCAL GOVERNMENT LEGISLATION (VALIDATION OF RATES AND CHARGES) AMENDMENT BILL**

 **Ms BOYD** (Pine Rivers—ALP) (12.06 pm): It is a pleasure to rise today to speak in favour of the Local Government Legislation (Validation of Rates and Charges) Amendment Bill 2018. Under the act all councils must pass two separate resolutions at the budget meeting: one to pass the budget and another resolution to levy rates and charges. There are four types of rates and charges: the general rates for services, facilities and activities supplied for the benefit of the community, which includes things like our local roads, library services and sporting grounds; special rates, which is special rates and charges for services, facilities and activities associated with particular land—things like maintaining a road in an industrial area—utility charges for services, facilities and activities for waste management, gas, sewage or water or other utilities prescribed; and, finally, separate rates and charges for any other service facility or activity. Before 1 August each year, a council needs to pass its budget via those two resolutions—the first to pass its budget in its entirety and a second resolution at the budget meeting to levy rates and charges.

This bill is before us today because we need to remedy the errors of some 25 local governments that have levied rates and charges for ratepayers in an incorrect manner. Our community has a base level of expectation from us in this place and from our counterparts in local and federal governments. A key component is that they instil the faith in us to get the fundamental procedural matters of governing right. They may not necessarily agree with a particular policy position, a piece of legislation before the House or the quantum of a rate increase or charge—or saving for that matter—but what they absolutely expect from us is that we get the process correct. They expect that in this place, in the council chambers across our state and in Parliament House in Canberra our legislative and procedural outcomes are robust, can uphold scrutiny and are fundamentally done correctly.

When it comes to this legislation I am most concerned that not only do we have the concerning process of the Supreme Court case of *Linville Holdings Pty Ltd v Fraser Coast Regional Council*—a case where it was determined that the Fraser Coast council was incorrectly levying and charging rates through the region—but our state department advised us during a briefing on the bill that a desktop audit has identified 25 local governments which have levied rates and charges in a similar incorrect manner as the Fraser Coast Regional Council.

There are 77 local governments in Queensland and 25 have levied charges incorrectly. It is a figure that is simply astounding. This bill is before the House because we need to remedy this error. In doing so I hope we can restore some of the confidence that has been breached and abused as a result of the errors and incorrect processes employed by 25 of our local governments in the state.

With regard to provisions concerning the validation of rates and charges, as stated in the committee report—

The provisions declare that a rate or charge levied, or to be levied, by a local government under the Acts that was not decided to be levied by an express resolution at the local government's budget meeting are taken to be, and to always have been, validly levied as if the rates or charges had been decided by resolution at the budget meeting in accordance with the statutory requirements.

The amendment that we make through this process will validate the rates and charges that have been levied in an incorrect manner up until 30 June 2018. The committee report continues—

The provisions in this bill also declare that anything done, or to be done, in relation to the rate or charge is as valid as if the rates and charges themselves had been validly levied by the appropriate resolution at the local government budget meeting for the financial year.

That is essentially the essence of the bill. This is how we are going to fix the inconsistent charging of fees, levies and charges of the local governments. Further to that our committee made a second recommendation in the report, which states—

The committee recommends that the Department of Local Government, Racing and Multicultural Affairs monitor how local governments are levying their rates and charges over the next two financial years ... to ensure local governments are aware of the proper processes and are complying with the statutory requirements.

During the committee process we heard from the Local Government Association of Queensland, which told us that they were going to go forward and assist councils to ensure that future council resolutions fully comply with legislative requirements regarding the levying of rates and charges. They will prepare a template for best practice resolutions which will be made available to all councils, and they will also hold a ratings master class in relation to the process. I commend the department for the work they have done and the work that they will continue to do with the LGAQ in this space. This work will continue in an effort for local governments to develop an understanding of their obligations under the act, to get them to comply with these legislative requirements and to, very importantly, rebuild the confidence of our communities and constituents which has been eroded and sorely needs to be rebuilt.

I commend the minister and the department for the work they have done to address the issues in the bill which have been highlighted by the Supreme Court. There is much work that needs to be completed by our local councils. This bill fixes the errors that have already been made, but we need to educate local councils on the base legislative requirements of their fundamental obligations so we can restore faith in the system which has been eroded by these multiple errors. I also want to acknowledge the work done through the Economics and Governance Committee. I would like to acknowledge the work done by the chair, the member for Logan and the deputy chair, the member for Mermaid Beach. I too would like to see the deputy chair returned as the Manager of Opposition Business. He did such a sterling job.

**An honourable member:** Bring back Ray!

**Ms BOYD:** I will take that interjection. Bring back Ray! He did such a sterling job throughout the 55th Parliament. I would also like to commend the members for Bonney, Ninderry and Redlands and our committee secretariat and staff. This bill has been worked on in conjunction with a number of other bills currently before the committee, and I acknowledge the relatively short time frames with a month turnaround. Given the workload of the committee I want to particularly acknowledge the staff who support us and committee members for their work in engaging with the bill. I also thank the minister, the department and all of those stakeholders who made submissions and educated us in our decision-making process. I commend the bill to the House.