Question on Notice
No. 179
Asked on Thursday 22 April 2004

Ms Male asked the Minister for Local Government, Planning and Women (MS BOYLE) –

QUESTION:

With reference to a large number of constituents who have approached me in regard to the State Government being able to overturn or review decisions made by Local Government, decisions which have often had limited or no community consultation -
Will she advise what powers she has in respect of council decisions and any future planning which would allow her to intervene on behalf of ratepayers?

ANSWER:

The fundamental basis of the *Local Government Act 1993* is autonomy for Local Government, reflecting the democratically-elected status of Queensland Councils. As with the other two levels of Government they are directly responsible to their communities for the decisions they make.

The Local Government Act allows the State to intervene in Council decisions in extraordinary circumstances. The limited intervention powers available are–

- revoking or suspending a Council resolution
- declaring that a local law ceases to have effect, where this is necessary to protect State interests
- dissolving a Local Government, where a Council has acted unlawfully or corruptly, has put at risk its capacity to properly exercise its jurisdiction, or is incompetent or cannot properly exercise its jurisdiction.

I have no plans to introduce changes to the intervention powers contained in the *Local Government Act 1993*.

Reserve powers are also available to the State under the Integrated Planning Act 1997 (IPA). Under IPA Local Governments make planning schemes to guide decision-making about development in their areas.

Under IPA, the State Government can 'call-in' a development application and decide it in place of the Local Government, where there are broader whole-of-State interests. This 'call-in' power also allows the State Government to reassess and redecide applications that have already been decided by Local Councils.

Under IPA, the State can also intervene and direct a Local Government to –

- review its planning scheme
- make or amend a planning scheme
- make or repeal a temporary local planning instrument, or
- make, amend or repeal a planning scheme policy.

The State Government must consult affected Councils in exercising these direction powers.

I have no plans to change these existing powers. However, a pre-election Beattie Government commitment will see the Integrated Planning Act amended to oblige Queensland agencies and councils to take account of - and make appropriate provision for the implementation of regional policies and planning strategies in their budgets, programs and policies.

The amendments will also require council planning schemes to reflect, where relevant, the regional plan.