LGAQ
LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND

31 August 2012

Office of Best Practice Regulation
Queensland Competition Authority
GPO Box 2257
BRISBANE QLD 4001

Dear Madam / Sir

Initial comments on Measuring and Reducing the Burden of Regulation paper

The Local Government Association of Queensland (LGAQ) welcomes and supports the Office of Best Practice Regulation (OBPR) in its work to reduce the burden of regulation.

In 2012, Queensland's 73 councils will manage assets worth approximately $90 billion and undertake aggregate capital and recurrent expenditure in the order of $11.5 billion to deliver infrastructure and services through the efforts of a workforce of approximately 40,000 people.

Virtually all local government activities and capital works are undertaken with significant involvement by the Queensland State Government, its departments and agencies, including in the forms of legislative direction, consultation and advice, financial support, and coordination of planning and delivery.

Most State legislation and regulations effectively create, and some specifically delegate, responsibilities for local government. As a consequence, this typically requires the passing of local laws and other policy responses, and creates additional costs for local government.

Local government in Queensland is acutely aware of the impact on local communities of overly complex, duplicated and otherwise unnecessary regulation, and LGAQ is committed to reduce the imposts this creates for the benefit of local economies.

LGAQ notes that the OBPR has been directed by the Ministers to investigate:

a) a proposed framework for measuring the regulatory burden of legislation, including appropriate regulatory burden benchmarks against which Queensland Government departments may be assessed by the Authority on an annual basis;

b) a proposed process for reviewing the existing stock of Queensland legislation;

and

c) priority areas for targeted regulatory review having regard to the regulatory burden imposed by legislation.

Clarification regarding Local Laws

LGAQ notes there are a number of references in the issues paper to local laws (pp 49, 50, 52, 57 and 60). This is obviously a matter of particular interest to local government. In relation to

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proposals regarding local laws, LGAQ supports the efficient and effective drafting of local laws to achieve intended outcomes.

The description of the Review Process in section 1.3.6 notes:
"All new regulations would be subject to an effective [Regulatory Impact Statement] RIS process, including effective consultation and communication between departments, local government and the OBPR, unless exempted by the Minister responsible for regulatory reform."

Consultation issue 9.1 (repeated at 10.7) asks:
"What are the key problems that local governments face in relation to their role in developing and administering local laws, regulations, codes and guidelines?"

LGAQ seeks clarification on whether or not local laws are considered to be within the scope of the Ministerial Direction to the OBPR on this matter. Clarification is also requested on whether or not the issues paper is suggesting that local laws be subject to a RIS process. This is particularly relevant given current action by the Department of Local Government to streamline the Local Government Act 2009 and related regulations.

As noted above, most State legislation and regulations effectively create, and some specifically delegate, responsibilities for local government. This situation typically requires the passing of local laws and other policy responses, and creates additional costs for local government.

A requirement for a RIS process for local laws would create an unreasonable impost on local government and councils do not have the resources that would be required to undertake the significantly increased task.

Annual reporting would also impose an additional cost which local government would not be able to meet without taking resources from service and infrastructure delivery in their communities.

LGAQ recommends a set of 'local law design principles' as the most effective way of achieving this. Section 270(h) of the Local Government Act 2009 notes that the Governor in Council may make a regulation about drafting standards for local laws, and this provides a mechanism for setting regulation design principles for local laws.

LGAQ urges the OBPR to carefully consider the cost implications of any recommendations that will affect local government and, if additional functions and reporting activities are imposed, recognise that funding will need to come from State government. The diverse nature of the State's 73 local governments, ranging from Brisbane to Bedourie and north to the Torres Strait, needs to be recognised.

Annual Reporting

In relation to reporting arrangements, LGAQ notes that local governments report primarily to the Department of Local Government (DLG), including for the purposes of some Commonwealth agencies, and that the duplication of reporting lines and processes should be avoided, consistent with the principle of efficiency.

Fees and Charges

In relation to fees, 'cost-recovery fees' are already defined in the Local Government Act as a separate category. The definition includes the requirement that "a cost-recovery fee, other than an application fee, must not be more than the cost to the local government of taking the action for which the fee is charged." Other charges are permitted where these 'benefit the local government area'.

Assessment of Regulatory Burden

With reference to part a) of the Direction, frameworks for measuring regulatory burden might be applied to a full 'stock take', or as part of a targeted review process for identifying regulations requiring redrafting / reduction. As noted in the issues paper, volumetric-based measures are simplistic and only provide indicators of limited use.

Regulatory burden might be measured in terms of compliance time and cost, and can include capital outlays, operating and inspection / reporting costs. Where these costs are higher than necessary, and where they exceed the estimated benefits, they represent inefficiency and an opportunity cost for the sector and the community.

The effort involved in seeking to value the cost impact of all regulations on all parties across an economy, for a level of government on an exclusive basis, would be resource intensive and might not achieve the required degree of reliability.

The Standard Cost Model (SCM) presented in the OBPR paper which involves 'breaking down legislation into information obligations to measure the burden a single obligation imposes on business' would be highly resource intensive to apply. It appears to follow Activity Based Costing concepts, as they might be applied to the regulation compliance activity of business. A full analysis would be considerably more complex and would need to consider other factors such as wider distributional effects and opportunity cost implications.

Benchmarking may be applicable in relation to similar portfolio sectors across similar jurisdictions, for example in regulating national parks on the east coast of Australia. However, benchmarking across portfolio areas is likely to under-value some activities and intended outcomes / benefits from the regulation. For example, achieving compliance in the area of disease control and quarantine may cost significantly more on a unit cost basis than for small business registration records.

To the extent that measurement is required, a measurement method should be developed as an integral component of the review, identification and prioritisation process in order for it to add value.

Priority Based Approach

With reference to **part b) of the Direction**, LGAQ would suggest a clearly defined, priorities based approach to the review of regulation.

All regulation raises costs for businesses and consumers. However, regulation is introduced for reasons including market failure, public interest, safety and welfare. Accordingly, any process seeking to reduce regulation needs to follow a set of principles and a clearly defined process that includes a risk-assessment element.

There are likely to be unintended consequences if regulation is removed without a proper understanding of this aspect.

Similarly, suggestions for fixed-term or 'sunset' clauses as triggers for regulation review or removal (as suggested in the OPBR paper) may not address whether the issue, for which a 'remedy' was introduced in the form of regulation, still exists.

Sunset clauses would remain applicable where the intention is to achieve a transitionary or fixed-term change in the regulated sector. The application of unilateral sunset clauses would simply create more work associated with the review and re-instatement of the regulation where it is found to be necessary, and increase the burden on the sector through the need for regulated entities to re-familiarise with regulation, review and update their compliance practices.

LGAQ notes that there have been a number of recent, major reviews of legislation undertaken by State government agencies for re-drafting purposes, and reporting requirements exist under annual reporting arrangements. LGAQ suggests that OBPR look to draw on these established processes.

Integration with other Departmental Regulatory Reform

As part of its commitment to regulation improvement and reduction, LGAQ maintains ongoing engagement with various Queensland Government departments, including:

- with DLG on changes and improvements to the Local Government Act and Regulations;
- with the Department of State Development, Infrastructure and Planning on the Sustainable Planning Act 2009; and
- with the Department of Environment and Heritage Protection on the Environmental Protection Act 1994 and the general area of 'green tape' reduction.

In relation to the Sustainable Planning Act, LGAQ prepared a briefing note to the Minister earlier this year and a copy is attached for information and input into your review process.

LGAQ's Red Tape Reduction Taskforce

With reference to part c) of the Direction, the identification of priority areas must be the core of any review method. LGAQ has already noted that a number of these are already operating and recommends that OBPR draw on these existing processes.

Local government is working to deliver efficiencies that will benefit all industries through improved regulation efficiency.

LGAQ has prepared a report on the work of its Red Tape Reduction Taskforce (July 2012). The Taskforce was convened by LGAQ as a focused, stakeholder-supported review of legislation administered by or otherwise affecting local government and communities.

Membership of the Taskforce included representatives from the following organisations: Local Government Managers Australia – Queensland Division; Institute of Public Works Engineers Australia – Queensland; Queensland Water Directorate; Environmental Health Australia –

Queensland; Local Government Finance Professionals; Queensland Chamber of Commerce and Industry, together with LGAQ Policy Managers and Advisors.

The Taskforce's Terms of Reference set the following objectives:

- to identify specific areas of existing regulations and red tape of both the State and Local Government which are unnecessarily burdensome, complex or redundant;
- to identify regulations and red tape that should be removed or significantly reduced as a matter of priority; and
- to recommend practical measures to alleviate the compliance costs of red tape on business, local government and the community.

The Taskforce met on 10 July 2012 and considered submissions received from 15 councils and the Local Government Financial Professionals Association. A copy of the final report was submitted to DLG and is attached for information and input into the current OBPR process.

Periodic Review

Based on the success of recent regulation review processes, including those conducted by Queensland Government agencies, LGAQ recommends a process of periodic stakeholder review with a well-defined method for the refinement and improvement of regulation, including the reduction of burden and unnecessary costs.

New regulation, and regulation reviews, should focus on effective and efficient design based on regulation design principles. For State legislation and regulation only, this may include a requirement for a RIS.

Conclusion

In summary, LGAQ welcomes and supports the work of the OBPR in improving regulation efficiency and effectiveness, and reducing regulation that is unnecessary, duplicated or ineffective. Some of the proposals contained in the OBPR Issues Paper, if applied, could create additional burdens and LGAQ believes these should be carefully considered to avoid counter-productive outcomes.

LGAQ supports a model for regulation reduction which:

1. is principles based eg. National Competition Policy reform agenda (including for the design of local laws, subject to OBPR advice whether or not local laws are included);
2. is priority driven and develops a measurement methodology integrated with the review process in order for it to provide direct, relevant value to the process;
3. includes a benefit / risk-based assessment to ensure that the process is not more costly than the estimated benefits;
4. observes a principle of 'simplicity' and avoids unnecessary elements such as 'sunset' clauses where there is no specific benefit or purpose;
5. is issues focused (potentially including a complaints process), similar to Australian Competition and Consumer Commission or Productivity Commission reviews, which solve problems as they arise; this process would require the collection of sufficient evidence to justify a full (sector-wide) review;

6. recognises that local government is often involved in regulatory activities at the mandate of Commonwealth and State governments;
7. provides for differential requirements that recognise the diversity of capacity and impact amongst affected entities (including local government);
8. provides support, particularly for smaller entities (including local government) in practical application;
9. where reporting is required, avoids duplication / multiple reporting lines and allows reporting to a 'home' agency (for local government this is DLG);
10. for any reporting and compliance burden costs created for local government, ensures that these are fully funded by the State Government and do not represent an additional impost on local government (including through cost shifting of regulatory activities);
11. does not result in the introduction of red tape for the purpose of removing red tape.

LGAQ wishes to be included in the consultation process and the contact details are:

Mr Greg Hoffman PSM
General Manager - Advocacy
Local Government Association of Queensland

LGAQ also notes that DLG is very active in reducing unnecessary regulation and LGAQ strongly recommends an open discussion between OBPR, DLG and LGAQ in relation to any proposed arrangements that may apply to Queensland local governments.

Yours sincerely

Greg Hoffman PSM
GENERAL MANAGER - ADVOCACY

cc: Mr Stephen Johnston, Acting Director-General, DLG

LGAQ RED TAPE REDUCTION TASKFORCE

This document has been prepared by the Local Government Association of Queensland Ltd (LGAQ) to provide the Queensland government with suggestions on potential legislative changes that can reduce red tape and the compliance burden faced by Local Government.

Previous research undertaken by LGAQ has identified significant concerns across Queensland Local Government in relation to reporting and compliance requirements imposed by State Governments. In particular, smaller rural and remote councils see many of these requirements as a significant burden, and often unnecessary in terms of the scale of their operation.

LGAQ established a Taskforce to assist in the assembly of information and suggestions on opportunities to reduce red tape across the range of legislation impacting on local government operations. The overall objective of the Taskforce was to identify red tape and regulation of both the State and Local Government that can be removed to reduce the compliance burden of councils as well as to help small business.

The LGAQ Taskforce has been assisted by submissions provided by councils across the State and by other professional bodies. This document brings together these proposals which have been assembled by theme and legislative control.

The LGAQ Discussion Paper "Local Empowerment: A New Era in State / Local Government Relations" included a number of key principles to be addressed in maximising local choice, autonomy and accountability. This included: "Reducing the Compliance Burden – reducing red tape, decentralised decision-making along with performance based regulation and reporting".

The LGAQ Discussion Paper noted that greater attention must be given to removing the cost, time burden and external control resulting from unnecessary red tape and regulation that effectively restricts local action.

In relation to reporting by Local Government, the Paper recommends that this should be based on providing information required by the local community to more effectively determine the scope and levels of service to be provided by the locally elected government. Such local reporting can then inform other spheres of government rather than reporting and monitoring requirements being determined by State Government perspectives.

The Paper also notes that, where approvals are required from State agencies, there must be greater delegation to the regional level to enhance the efficiency and effectiveness of decision-making.

The LNP Policy Statement on Local Government "Empowering Queensland Local Government" identifies the following specific objectives in relation to reducing red tape and the compliance burden:-

> 11.1.2 - cut red tape in State Government grant payments to Local Governments, and consolidate grant structures where possible to create greater flexibility for Councils;
>
> 11.2.3 - streamline reporting and auditing regulation where local governments have demonstrated adequate financial planning and administration to reflect diversity of local governments, and take into account appropriate risk profiling.
>
> 11.3 - support the streamlining of shared information and data between Local and State Governments. An LNP Government will remove unnecessary reporting and reduce the duplication of information shared between State and Local Governments.

The following sections of this paper provide the detailed suggestions on possible legislative amendments to be considered along with comments on issues involved and impacts on council operations. The paper also includes an attachment covering previous LGAQ suggestions on legislative priorities for the State Government.

30 July 2012

Contents

1. LEGISLATION GENERALLY

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Delegations and Authorisations	Legislation with Authorised persons and associated powers	Legislation requires authorised persons to have delegations and authorisations to undertake regulatory functions. The development, interpretation and application of both these processes are extremely complicated, detailed and extensive. Across regulatory agencies, these are also highly variable. There is significant effort required to develop, review and maintain these important records. This is complicated by the continuous amendments of legislation. Due to various legal interpretations, there is, and have been, significant increases in technicalities being raised. Clearing this will focus the court proceedings on the actual offences.	Consider simplified and consistent instruments for delegations and authorisations. Consider the development of legislatively approved templates for use by regulatory agencies for each piece of legislation. Templates are legally sound for court use. These documents are regularly reviewed and updated based on changes in legislation and court decisions / interpretations.
Consolidated administration process and powers	n/a	Different pieces of legislation contain a number of similar provisions. Common provisions include administrative requirements, authorised persons, powers of entry, applications, review of decisions etc. There is a potential to consolidate common provisions from different legislation into a single administrative Act. This could be achieved by amending the Local Government Act, or more broadly to include state agencies with a new Act.	Review the common elements of different legislation and consider consolidation of these into a single piece of legislation that addresses regulatory administrative matters.
Suite of enforcement tools	Any regulatory legislation	Regulators should be provided with the ability to effectively and appropriately fulfill their functions and address the issues at hand. Regulatory legislation requires the inclusion of a suite of enforcement tools along the enforcement continuum. These should be able to be applied as considered reasonable by the regulator, not in a hierarchical order – i.e. individually, in conjunction with, or in succession of each other, dependent	Review legislation to better include a suite of flexible enforcement tools to achieve compliance with the legislation. Consider the Environmental Protection Act as a starting point for such a model. Maximise the flexibility of enforcement tools to support the effective resolution

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		upon the scenario being considered. The Environmental Protection Act provides an example where this model can work effectively. Such a system will reduce unnecessary administrative burden, but more importantly provide for speedier resolution of community issues. The SPA provides an imperfect example of regulatory tool availability and application. Some enforcement tools should be able to provide directions for offenders to undertake diversion programs (e.g. animal ownership training, environmental management training etc.) up to the equivalent cost of a fine so as to support improved outcomes.	of issues – e.g. Consider diversion programs / actions.
Review PINable offences	n/a	Further to the above item (suite of enforcement tools), there are a number of relatively minor offences contained within local government acts that have limited enforcement tool options. For example, s75 of the Local Government Act "Unauthorised Works on Roads" has a 200 penalty units maximum penalty. The only enforcement option for a Council is prosecution, which may apply to low risk/low volume work such as driveway constructions. A PIN may be more suitable but there is no option for this.	Review state legislation for offences which currently have prosecution as the only enforcement tool and consider other enforcement options to better achieve compliance.
Annual reporting	Various legislation	Where reporting by a regulator is required, the information sought should be consistent year to year wherever possible. This will minimise the resource effort to provide the information, and achieve better outcomes for information presentation and p u r p o s e .	Reporting requirements are minimised to those vital / important to implementation of legislation Requests for information be presented clearly, in a user friendly approach, be readily completed Requests for information should be generally consistent to facilitate time series analysis. Create a value added product in return (e.g. a report or funding etc.) for the

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
			information provision

2. LOCAL GOVERNMENT ACT OR REGULATIONS

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government Act 2009	S202-204	Different requirements across different pieces of legislation administered by authorised persons e.g. different terms used such as inspector, authorised officer. Process for establishing an authorised person requires considerable paperwork to determine all relevant sections the person has delegated power for. Officers need to continually refer to relevant Acts to ensure correct delegated powers relevant to the legislation. Enforcement legislation does have consistent terminology, appeal provisions and timeframes. Application processes support manual/paper or face to face practices. Inconsistency in definitions Inconsistent timeframes for renewals	Use consistent terminology. Remove powers of authorised persons from different pieces of legislation and establish one piece of legislation. Consistency in all enforcement legislation. Application processes simplified to facilitate on line applications. Clarity in the definitions of licences, registration, permit and approval etc. and when they can be used. Timing for notification of required payments to be consistent and in line with business sector payment terms e.g. 30 days instead of 90 days.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government Act 2009	S. 257, 259 & 260 Delegated powers	Significant resources are directed to creating instruments of delegation, maintaining them, and in creating and maintaining the register of delegations Because of the nature of the tasks, and the constantly changing nature of legislation, the tasks are time intensive if performed correctly, and very frequently the effort will fall short so that the delegation of a power is capable of being impugned. Local Governments train and appoint individuals to perform certain roles. It should not be necessary for the local government to then specifically empower the individual with the powers that are necessary for the role to be performed.	Rather than require a specific delegation of the powers firstly from the Council to the CEO, and then in turn from the CEO to various staff, the legislation should be amended so that there is a deemed delegation of all the council's powers to the CEO; and all powers of the CEO that are necessary for the performance of the responsibilities of a local government employee, to the employee for so long as he or she occupies the particular position. The legislation should make provision for powers to be withheld by way of a written instrument recording that the power has been withdrawn from the CEO or staff member as the case may be.
Local Government Act 2009	s.106(1)(a) and (b)	Streamlining	The Regulations for the main part only refer to the supply of "goods or services" therefore for consistency, either the term "goods or services" needs to be defined to include "works" or the term should be amended to read "goods, works or services". The choice made would then have to be reflected throughout the Act and Regulations.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government Act 2009	s.106	Streamlining - At present local governments are unclear as to the weighting each of the sound contracting principles should receive.	Make it clear that the weightings given to the five criteria listed in this section are up to the local government to determine based on the specific requirements of each procurement that they undertake.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.143	Red tape reduction: Current wording: A local government must prepare and adopt a policy about procurement (a procurement policy) for each financial year.	Confirmation that a review and re-adoption of the current Local Government procurement policy is sufficient.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.165(2)(a) and (b)	Streamlining	The Regulations for the main part only refer to the supply of “goods or services” therefore for consistency, either the term “goods or services” needs to be defined to include “works” or the term should be amended to read “goods, works or services”. The choice made would then have to be reflected throughout.
Local Government (Finance, Plans and Reporting) Regulation 2010	S.173	Increasing transparency for businesses - At present the medium-sized contract requirement is open to uncompetitive practices as there is no process set out for how a supplier is chosen to quote or a specified way for a new business to be included as one of the suppliers used in the quotation process. As such, a small local business could be completely shut out of the process with no way to become a recipient of a quotation request.	That local governments be required to set out to suppliers their process for obtaining quotes and the way in which a new supplier can be included in such process or if they prefer, a local government could opt to use a central list (ie one administered by Local Buy) and direct suppliers to register in that way.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government (Finance, Plans and Reporting) Regulation 2010	S.173(2) and (3)	Red tape reduction - Index-linked increases to large-size contract threshold.	Link the large-sized contract threshold to CPI (or other more relevant index) for automatic annual increases.
Local Government (Finance, Plans and Reporting) Regulation 2010	S.173(2) and (3)	Streamlining	Clearly state whether threshold figures are GST inclusive or exclusive.
Local Government (Finance, Plans and Reporting) Regulation 2010	S.173(2) and (3)	Increasing transparency for businesses - At present, value for money considerations and open processes can be circumvented by the practice of order splitting. It is likely that local governments could save money by aggregating their annual spend in certain areas. The requirement to aggregate spend should be clearly set out in the legislation.	Proposed wording: 173B Where the value of purchases from the same supplier or of the same type is likely to exceed, or exceeds, the thresholds set out for a medium-sized contract or large-sized contract in any financial year, those purchases must be treated as being aggregated for the purposes of section 173.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.177(3)	Red tape reduction - The requirement for a Council resolution to decide to go to EOI seems to impose unnecessary red tape. Local Governments should be able to determine whether a resolution is mandatory as part of their internal procurement policy.	Deleted section 177(3) or at least make it only mandatory where a Local Government has stated that it is required in its internal procurement policy.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government (Finance, Plans and Reporting) Regulation 2010	s.177(4) & (5)	Increasing transparency for businesses - Costs would be saved and it would be easier for smaller suppliers if more Local Government tenders were advertised in one central location. At present there is no requirement for Local Governments to advertise Tenders centrally. LG Tender Box, maintained by Local Buy, which has a strong market presence with businesses and is already used by a number of local governments would seem like the logical choice.	Remove the requirement to advertise in a newspaper if the tender is published on LG Tender Box (or such other central local government online tendering portal approved by the LGAQ/Minister from time to time).
Local Government (Finance, Plans and Reporting) Regulation 2010	s.177(4) & (5)	Red tape reduction - With the advent of electronic tendering, local governments should have the option of reducing publication time in some cases.	Allow Councils to reduce tender publication time to 15 days if; (i) the Tender is published electronically via LG Tender Box (or such other central local government online tendering portal approved by the LGAQ/Minister from time to time); (ii) responses can be submitted electronically and (iii) the local government believes that 15 days will allow potential suppliers sufficient time to respond.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.179	Red tape reduction - This section is not required and seldom used by Councils.	Delete section 179 - Exception if quote or tender consideration plan is prepared.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.180	Red tape reduction - Duplicated section	Delete exception for contractors on approved contract lists as it is already covered by sections 181 and 182 and just creates additional red tape.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government (Finance, Plans and Reporting) Regulation 2010	s.181	Streamlining	Insert methodology for advertising and tendering similar to s.182. It seems that when this section was split out during the legislation re-write, the advertising and tendering sections didn't come across as it is assumed it should have done.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.182	Streamlining - Consistency	References to "persons" should be changed to "suppliers" for consistency.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.182	Streamlining	Insert definition for "preferred supplier arrangement".
Local Government (Finance, Plans and Reporting) Regulation 2010	s.182	Streamlining	Clarify wording to make it clear that more than one preferred supplier can be appointed to a panel of preferred suppliers.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.182(7)	Streamlining	Clarify whether the 2 year period referred to includes extension periods. Is it sufficient for the delegated officer to believe that the local government will get better value from a longer contract?

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government (Finance, Plans and Reporting) Regulation 2010	s.183(2)	Streamlining	This section needs to be simplified. An LGA Arrangement should be defined as: "an arrangement that- (a) has been entered into by- (i) LGAQ Ltd; or (ii) a company (the associated company) registered under the Corporations Act, if LGAQ Ltd is its only shareholder; and (b) has been established under sections 181 or 182."
Local Government (Finance, Plans and Reporting) Regulation 2010	s.183(2)(a)	Streamlining - Aggregation of purchasing power and market profile of central local government purchasing body help achieve reduced costs for local governments.	Clearly specify that the LGAQ company is to be regarded as an "agency" for the purposes of the State Procurement Rules.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.183(2)(b)	Increasing opportunities for regional suppliers - The ability to have a regional panel of suppliers is imperative to many local governments and local suppliers. Local Buy should have the power to work with regional local governments to establish panels which cover a number of specifically defined local governments.	Allow LGAQ company to set up regional panels.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government (Finance, Plans and Reporting) Regulation 2010	s.183(2)(b)	Streamlining - The LGAQ company should have the power to run s.177 processes for local governments (in addition to powers to establish s.181 & 182 panels). This allows local governments to save money and reduce risk by outsourcing these requirements to an entity with procurement expertise.	Allow LGAQ company to run tenders under s.177 for Councils.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.183(4) and (5)	Streamlining	This section is unclear in practice. Does Ministerial approval need to be obtained prior to a tenderer submitting their tender or after? Does Ministerial approval relate to only that one tenderer or the whole LGA arrangement that Local Buy are establishing?
Local Government (Finance, Plans and Reporting) Regulation 2010	s.184	Opportunities for charities and not for profit organisations - Additional provision covering charities/ not for profits.	It has been suggested that an additional exception be added which covers contracts with charities and not for profit organisations. A similar exemption is found in the Commonwealth Procurement Rules.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.184	Red tape reduction - At present the legislation does not allow access by local governments of State or Commonwealth panels. Access to these panels would reduce tendering costs. However, to ensure transparency and fairness to all suppliers, such access should be restricted to panels which were originally advertised as covering the specific local governments who wish to make use of them and where they comply with the LGA and Regulations.	To allow local governments to access State/Commonwealth panels, include an exception that allows them to purchase from these panels where they have been specifically referred to when the panel was originally put to market and where the panel has been set up in compliance with the requirements of the Local Government Act and Regulations.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government (Finance, Plans and Reporting) Regulation 2010	s.184(f)	Streamlining	Government body should be defined to include a company of which the LGAQ is the only shareholder.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.186	Red tape reduction - Publication requirements should be brought into line with tendering requirements. At present, tenders are only required over $150k but publication over $100k. This places additional administrative burden on local governments.	Only contracts worth over the threshold for large-sized contracts need to be published.
Local Government (Finance, Plans and Reporting) Regulation 2010	s.186	Streamlining	Clarify how long the information must be available for. Is there a different period as between website and public office? What about local governments without websites?
Local Government (Finance, Plans and Reporting) Regulation 2010	s.187	Streamlining	This section is unclear with respect to multi-year arrangements such as those set up under ss.181 & 182 and contracts which include an extension period.
Local Government (Finance, Plans and Reporting) Regulation 2010	New	Streamlining - To reduce the risk of corrupted procurement processes and the cost and time involved in retendering/ litigating, require probity advisors to be engaged on high value/ high risk procurements.	Add a section dealing with high value/ high risk procurement similar to the requirements of the State Procurement Policy.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government (Finance, Plans and Reporting) Regulation		Disposal of assets	Simplify; remove requirement for government approval of exemption
Local Government (Finance, Plans and Reporting) Regulation	S79	Under the current priority order for the allocation of sale proceeds, any final price under a reserve that is set to cover Council's rates plus all debts with a higher priority, leaves Council, the initiator of the recovery process, out of pocket i.e. rates will need to be written-off.	A change in the priority order for the allocation of 'Sale of Land' proceeds is sought i.e. rates and charges to be a higher priority to body corporate fees.
Local Government (Finance, Plans and Reporting) Regulation	s.153 Statement of Estimated Financial Position	Onerous unproductive statement. This requirement adds no value to anything.	Delete the section
Local Government (Finance, Plans and Reporting) Regulation	reporting	Bulk of information required to be included in an annual report is prescribed in the Finance and Beneficial Enterprises Regulations. Also, some prescription in LGA.	Remove prescription around the level of compliance information required to be included in an annual report.
Local Government (Finance, Plans and Reporting) Regulation	reporting		Ratios and financial models required by the Local Government Department and QTC should be integrated and standardised. Benchmarks should be set appropriately for the different LG size. For example, proportion of own source revenue should be set appropriate to the size and type of Council.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government Act 2009	Section 37	Section 37 of the Local Government Act 2009 places restrictions on Local Governments making new Local Laws that establish an alternative process to regulate development. At the moment the Sustainable Planning Act 2009 states that the clearing of vegetation is assessable development and requires a development application. Therefore the public are required to submit a development application to remove one tree.	There is a need to change the Local Government Act 2009 so that Councils can make Local Laws pertaining to vegetation protection and other matters. There are other low level matters that are also impacted
Local Government (Finance, Plans and Reporting) Regulation	Community, Corporate and Operational Plans	These plans should be integrated. There is no need for separate Community and Corporate Plans	Requirements for Community, Corporate and Operational Plans should be replaced by a "Strategic Plan", with long, medium and short term horizons. The short term horizon should be for the forthcoming financial year. Councils should be able to adopt their own planning and consultation processes.
Local Government (Finance, Plans and Reporting) Regulation	Budget	Should be able to adopt integrated Financial Plan and Policies Budget Timing issues. It should be sufficient during a financial year to review only the budget of that year as the annual review of the ten year vision. Multi-year Capital Budgets	An integrated Financial Plan and Policies would incorporate the annual budget. Councils should be able to adopt the budget as early as May each year. Remove the section 100 (LGFPRR) requirements for amended budgets to fully comply with section 99. Councils should be empowered to adopt multi-year capital budgets, and eliminate the requirement for carry-over accounting and re-budgeting. The requirement for the budget and budget amendments to be consistent with the financial plans should be eliminated and replaced with a requirement to consider the financial plan in developing the budget.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government (Finance, Plans and Reporting) Regulation	s. 97	Broad requirement on risk assessment	Section 97 should be repealed and replaced with a broad requirement to maintain risk assessments, internal controls and employee duties relating to the finance function.
Local Government (Finance, Plans and Reporting) Regulation		Asset accounting : Requires expensive external valuations. Use of depreciation	Asset accounting should be simplified by publishing and applying unit rates for Council community and business activity assets. Depreciation should be replaced by a long term renewals annuity for determining Council financial sustainability and the official operating position.
Local Government (Finance, Plans and Reporting) Regulation		Multi-year	Councils should be able to apply for multi-year loan approval for major projects which will span several years.
Local Government (Finance, Plans and Reporting) Regulation			The need for Audit Committees and Internal Audit should be determined by Councils.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
	Beneficial Enterprises SBFA Act	Simplify and streamline	Previous list of exempt enterprise functions should be re-applied under LGBEBAR. Councils are empowered to bypass the need for a Public Benefit Assessment (PBA) to reform its business activities or implement a two-part water tariff, if it chooses to directly proceed to the reform. The ability to establish quasi-corporations within Councils be created, with wider powers and the ability of Council to delegate powers to the Board of Directors. The need for a constitution for corporate entities should be optional. Councils should be able to establish their own appointment process for the Board of Directors in similar fashion as for appointing Council CEO. Councils should be able to extend/review Director terms as they see fit. The requirement for an interim entity should be replaced with optional ability to appoint an interim Board of Directors. Local Government not be subject to the SBFA Act, but be required to obtain QTC advice on non-traditional financial investments, and professional advice on financial arrangements above tendering threshold.
Local Government Operations Regulation		Equal Employment Opportunity	Streamline provisions relating to EEO
Local Government Operations Regulation	s. 82 and 83	Is this necessary? There is the QIRC already in place	Remove (as per the 1993 Act)

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Local Government Act	S142 and S143	Current legal interpretation suggests that two notices must be given – a remedial notice followed by a separate written notice of intended entry. A single notice could be served requiring a person to take the specified action. A separate clause in that notice could then state something along the lines of: "If you do not perform the requested action by [insert time], Council gives you notice that it will enter the land on [insert date and time] to perform the work. No further notice of entry will be given."	The provisions related to entry under a remedial notice with reasonable written notice should be amended.
Local Government Act	S 29	Local Law making process Requirements for the gazette notice stating that a local law has been made should be simplified. The current requirements for publication add significantly to the costs of publication of a gazette notice.	Simplify process
Local Government Act	S179	Regional conduct review panels	The regional conduct review panel process needs to be reworked or eliminated. We are aware from first-hand experience of some complaints taking well over 12 months to investigate, together with an associated cost of over $10,000.00. This process imposes a significant cost impost on smaller councils.
Local Government Act also Local Government (Finance, Plans and Reporting) Regulation	s.106(1)(a) and (b) s.165(2)(a) and (b)	Current Wording: (a) the supply of goods or services; or (b) the carrying out of works; or The Regulations for the main part only refer to the supply of "goods or services" therefore for consistency, either the term "goods or services" needs to be defined to include "works" or the term should be amended to read "goods, works or services".	Recommended Wording: (a) the supply of goods, works or services; ~~(b)thecarryingoutofworks;or~~

3. LOCAL LAWS, PUBLIC HEALTH, FOOD, ANIMAL MANAGEMENT

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Public Health Act 2005	Chapter 2, section 11(b)(vii)	An increasing number of clandestine drug laboratories are being referred to Council by Queensland Police Services as a potential Local Government public health risk as defined in Chapter 2 of the Public Health Act 2005. Under the Public Health Act, if an authorised person believes that a person is responsible for a public health risk at a place, the authorised officer may give a public health order to the person. This order must state:- The steps the recipient must take, or the action the recipient must stop, at the place, to remove or reduce the risk to public health from the public health risk, or prevent the risk to public health from recurring, having regard to the nature and seriousness of the risk to public health at the time the order is made. The period within which the steps must be taken or the action must be stopped. The person who is responsible for a public health risk at a place. Currently the information required to effectively establish and resolve a public health risk of this nature is not available to Council. Further, the specialised nature of the hazardous chemicals involved present the following challenges to Councils:	Section 11 be amended to clearly identify clandestine drug laboratories as a State Government public health risk, based on the following rationale: QH Scientific Services staff support QPS in the initial assessment and laboratory testing of alleged clandestine labs. QH have suitably qualified field staff to conduct risk assessment of premises. QH has the specific expertise to conduct pre and post testing of these sites. This allows QH to provide post remediation clearance prior to habitation. QH is well placed to take the public health lead on an issue that involves numerous other state government agencies.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		WH&S issues to Council staff and contractors coming into contact with contaminated premises. Specialised risk analysis expertise is not traditionally held by Local Government officers. Managing site remediation and confirming cleanup. The site may also involve QFRS, QPS, WHSQ, DEHP, RTA, Dept of Housing and Child Safety. With such a range of state agencies involved it makes sense for QH to be the public health lead. Also, QH deals with all other public health issues associated with drugs and poisons. They also historically could oversee drug destruction with the QPS in regional areas. So clearly the historical and current delineation is for the State to deal with illicit and legal drugs. Additional issues include; Whether such notification should be included on Council land record / rates database. Determination of recipient of public health order where remediation is identified as necessary. (the Act states that the order to remediate can only be served on the person responsible for a public health risk at a place which is usually the tenants) Council bearing cost of clean up where responsible person is in default or cannot be identified. The State government can seize the proceeds of crime, but neither local government or a landlord can access any of those funds to help cover the cost of remediation as clan labs aren't listed in legislation as a 'violent crime'. If QH had to do the clean-up then the state would bear the cost and would also have the funds from proceeds of crime (albeit in different departments).	

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		From a LG perspective Councils don't want to be seen to be punishing the victim (e.g. the landlord who may have significant financial loss due to the damage the tenants caused) by issuing them with a Public Health Order. Perception of cost shifting for regulation from QH to LG.	
Animal Management (Cats and Dogs) Act 2008		Currently the relevant 'dog attack' offences contained in the Act do not provide local government with the discretionary power to issue an infringement notice on the owner of an offending dog involved in dog attack of a minor nature. Where a local government believes that the owner should be penalised it must commence legal action before a Magistrates court. Whilst it is recognised that the State Penalties Enforcement Act 1999 does not allow an infringement notice to be issued in relation to an offence against a person, the State Government should consider amending the 'Act' to allow local government the flexibility to issue an infringement notice for minor dog attack offences which involves another animal. This matter is of particular concern as local government must currently follow a process in accordance with the Animal Management (Cats and Dogs) Act 2008, (which can potentially take some months), in order to issue a destruction order upon a non regulated dog (where the owner does not surrender the dog for destruction). In those instances, Council must firstly declare the dog as a regulated dog (the declaration process is a two (2) step process and allows the dog owner opportunity to provide reason why their dog should not be declared at each step) before it can issue a destruction order. Upon issuing the destruction order, the dog owner is allowed two (2) further opportunities to have the decision reviewed. A local government must firstly seize the offending dog before it can issue a destruction order and in the event the dog had not	The State Government should amend the Animal Management (Cats and Dogs) Act 2008 to allow local government the flexibility to issue an infringement notice for minor dog attack offences in those instances where the attack is upon another animal. Enforceable animal ownership conditions may be an additional penalty option. While Local Government would bear the resourcing for determining appropriate conditions and subsequent enforcement, a preferable model would place the duty on the dog owner. Amend the Animal Management (Cats and Dogs) Act 2008 to allow local government to issue a destruction order in the first instance. This would streamline the process while still providing adequate natural justice and negate the need to hold a seized dog for an extended period of time. It is suggested that the Act be amended by deleting the word 'permit' where it

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		been previously declared, the local government will be required to hold the dog (at its impound facility) until the matter is finalised. Additional enforcement tools required to manage dangerous, menacing and potentially dangerous or menacing dogs. The provisions which relate to regulated (dangerous and menacing) dogs contained in the Animal Management (Cats and Dogs) Act 2008 refers to the term 'permit conditions', however the Act does not require the owner of a declared dangerous or menacing dog to obtain a permit.	appears in those provisions which relate to declared dangerous and menacing dogs.
Breed Determination - Dogs	Animal Management (Cats and Dogs) Act 2008	When an Act legislates a certain activity is prohibited or restricted, often there aren't any legislated tools/means to clearly identify when a breach has occurred. An example of this is restricted dogs. Chapter 22A of the old Local Government Act and the Animal Management (Cats and Dogs) Act don't provide the tool to determine what constitutes an American Pitbull. There has been a lot of local government resources, time and energy used in attempting to resolve the most appropriate (and legal) way to determine a breed. South East Queensland Councils have devised their own checklist, but a legislated tool would carry more weight and far more clarity for all parties concerned.	Review these provisions and make amendments to the legislation to address the matter and provide certainty on breed identification.
Animal Management (Cats & Dogs) Act 2008	Provision which requires compulsory registration of cats	Since introduction of the requirement by the State to register cats there has not been any noticeable Improvement in the control, care, breeding or keeping of cats within the community and the added cost and administrative burden placed on community members and Council has not resulted in any justified reason to continue with this practice. The universally low level of cat registration and the impracticality of trying to enforce non-compliance particularly in local government areas with a high rural residential	Review the compulsory requirement for cat registration and provide each local government with the option of requiring cat registration for their own local government area allowing each Council to opt in or opt out as they see appropriate.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		population results in cat registration being tokenism at best.	
Queensland Civil Administration Tribunal (QCAT) and management of dangerous dogs.	Animal Management (Cats and Dogs) Act 2008	External reviews have proven to be problematic for local government in resolving regulated dog issues. The major deficiencies with Queensland Civil Administration Tribunal (QCAT) are: Time frames to resolve matters– Time taken to hear and decide matter does not consider the welfare of animals nor the cost to local government associated with caring for a seized a dog for many months.; No interim mediation function – compulsory mediation with no legal representation to occur between parties within 4-6 weeks of review being lodged. Mediator to provide recommendation/advice on proceed or resolving. Enforcement difficulty – i.e. decision can be challenged and appealed. Enforcement is reliant on transferring the matter back to the magistrate's court. QCAT members lack of experience with respect to animal management matters and general interpretation of the Act. There is no capacity to issue fines other than when an owner is not complying with license conditions of a declared dog – the ability to be able to issue fines may see some cases resolved quickly rather than resorting to lengthy QCAT processes.	Review current process for management of dangerous dogs so that dogs are processed promptly. An appropriate timeframe needs to be in place (within one month is recommended) and the magistrates system needs to be reintroduced rather than the QCAT system. Provide for fines to be issued for particular behaviour. Remove options to appeal both proposal to declare and declaration and leave at one with appropriate timeframe.
Annual reports requested by State government of local government's administration of various Acts relevant to Food, Environment and Waste	• Food Act • Environmental Protection Act 1994 s.546	The State government consistently requests annual reports of local government regulators in relation to the application of the aforementioned Acts over the last 12 months. Whilst the government consistently requests annual reports, there is rarely consistency in the information and data requested of local government and the data requested is not always known before the period in which it is to be collected.	Review requirements to submit annual reports on the administration of various Acts including the Food Act and Environmental Protection Act. The data required and the format of the data should be provided prior to the financial year commencing so Councils can adjust their record keeping if necessary.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		A great many resources are used to prepare and submit these annual reports. The data is not always available to local government and if it were available in a regional or even aggregated form, then there may be less resistance to completing the returns. Good data is fine and can be used in evidence based policy making but the data as it is currently collected is often ad hoc and rubbery.	Provide data results in a useful format annually so councils and the Association can use the information to the best effect. Only quantitative data should be asked for through annual reporting (e.g. number of businesses licensed) and no qualitative info (e.g. are the FSS provisions effective?).
Asbestos Removal			The State Government should be the sole tier of government responsible for the ongoing monitoring and regulation of asbestos in non-workplace settings.

4. WATER SUPPLY, PLUMBING & DRAINAGE

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Water Supply (Safety and Reliability) Act 2008 & Local Government Act 2009		Regulatory Plans Rationalising the legislative framework regulating water service providers is a common concern across the State. Compliance with overlapping requirements of Regulators through statutory plans such as Strategic Asset Management Plans, Total Management Plans, System Leakage Management Plans, Drought Management Plans, Recycled Water Management Plans and other requirements has been a cause for growing concern among Service providers (SPs) over the past several years. Many of these plans have come into existence without seamless integration with existing reporting requirements. The result is several layers of, often overlapping, planning and reporting requirements requiring significant staff time to complete. Planning and reporting are recognised as essential by the water industry but the process cannot be efficient and effective unless these efforts are integrated and strategic. Some of the plans required by the State Government include: Strategic Asset Management Plans, Customer Service Standards, System Leakage Management Plans, Drought Management Plans, Total Water Cycle Management Plans, Drinking Water Quality Management Plans, Recycled Water Management Plans, Total Management Plans	Legislative changes have been proposed in response to industry requests. For example, the Government endorsed amendments to the Water Supply (Safety and Reliability) Act 2008 to: remove the requirement for an Outdoor Water Use Conservation Plan (but retain a discretionary power for the regulator to require these). defer the requirement for System Leakage Management Plans until 2013, and remove the requirement for reporting on the number of water advices issued and the nature of complaints. The guidelines for small and medium WSPs separated to better reflect the diverse needs of these smaller WSPs and to allow fit-for-purpose planning to deal with potential water quality risks. Some changes have been made as part of the ongoing discussions among the industry, DERM and LGAQ about ways to reduce regulatory burden by removing or deferring certain requirements under the Water Supply (Safety and Reliability) Act 2008. These latest changes were proposed

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		Outdoor Water Use Conservation Plans Local Government Asset Management Plans Water Efficiency Management Plans	by DERM as communicated to the industry. While rationalisation of all requirements awaits further decisions by the Queensland Government, these amendments represent an effort to streamline regulation. The changes impact on three planning/reporting requirements, namely Outdoor Water Use Conservation Plans, System leakage Management Plans and requirements to issue water advice information to residential tenants.
Local Government Act	Long Term Asset Management Plans – Water assets	Another recent addition to planning requirements affecting water and sewerage. There is no evidence that DLGP ever talked to DERM and there is an opportunity to fix that.	One single water and sanitation management plan needed. May best be managed by being mandated under DEWS legislation but reflected in the LG Act as meeting requirements for Long Term Asset Management Plans for these assets.
Water Act, Water Supply (Safety and Reliability) Act	SAMP + annual report + audit, CCS + annual report + audit, DMP + annual review SLMP + annual report + audit, DWQMP + annual report + audit, Water Quality Information + quarterly,	An enormous amount of human resources, both state and local, are being spent preparing and reviewing documents. The vast majority of information contained within these documents whilst required under the act is not significant for the Regulator role. A better use of resources is to have more time spent achieving a real improvement rather than ticking off that a plan complies with a code. A lot of information is repeated over again in each plan. Information management of data is inefficient with various hard and soft copy platforms. A review of the critical information actually required from almost all of the plans can be broken down to just a few performance indicators. At this simplified level comparisons are easily made, problems identified and actions can be quickly taken.	Amalgamate all the annual reports into a simple web/cloud based spread sheet of performance indicators similar to the QLD Water Directorate swim data portal. This would allow Councils to efficiently report standardised data and allow State Departments to have access to live data which can be quickly and easily reviewed at will. All water quality and production data can also be made available. Apart from efficiency and productivity gains this would also help to alleviate records and data management problems.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
	OWCP RWMP + annual report + audit,	The main focus is to shift more of our human resource into improving our Water & Waste Water Supply systems and away from being bogged down in the administrative burden that never seems to go anywhere. If this system were to be implemented the Regulator would gain a much greater appreciation of issues by conducting site visits/audits. This greater understanding would also help with policy/legislation changes and implementation.	There are issues related to dual reporting requirements between Q Health and DEWS.
Water Supply (Safety and Reliability) Act	Recycled Water Management Plans	The legislation is too complex to the extent that councils are opting out of recycled water schemes as it is often more cost effective to treat raw water to drinking standard than comply with RWQMPs. DEWS is currently working on this.	Support DEWS process
Environmental Protection (Water) Policy 2009 Water Act	TWCMP+ annual report + audit,	Water Service Providers are only responsible for a small proportion of the water cycle. TWCMPs replicate information contained in other plans and impose an unnecessary cost burden on councils. It is essential that the State Agencies don't continue to operate in isolation.	These plans should be a State responsibility with involvement from stakeholders such as Water Service Providers, Councils Government and NG organisations
Water Act	Water Notice to occupiers, Information on Water Use + annual report	Resource and financial impact to Water Service Provider	If the long term intention is to charge the user such as is the case for electricity, telecommunications and pay TV then it is worth pursuing. If not it is an unnecessary financial burden.
Providing a water advice notice to Non-owner residents	139 Water Supply (Safety and Reliability) Act 2008	Water Advice Notices – Reporting requirements Water Advice Notices were a water efficiency measure introduced in November 2007 to make Service Providers send water use information (not bills) to tenants as well as billing owners of rented premises. The Water Supply (Safety and Reliability) Act 2008 required that councils, by 16 November 2011, provide all residents with information about how their water usage compares with other customers and how to better	A better, more efficient, and less costly solution would have been to include the most important aspects of this information on the Rate Notice, as is currently done by commercial power companies on their Notices/Invoices. Issue water usage notice together with

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		manage their water use to encourage water savings. Issue – Costs, administrative burden and geographical constraints in delivering to property addresses. Impact - Complaints from ratepayer's about the perceived waste of money - Determining which residential properties are tenanted. Some owners have Postal Box as their correspondence address. - Administration Costs involves in identifying tenanted properties, etc. and continuous maintenance. - Where Council is forced to issue separate water advice the cost to Council is approximately $250k for postage alone which does not include the administration, stationery, etc. - System constraints to determine which property addresses are tenanted and owner occupied to comply with the requirements	water advice and owner's responsibility to pass on the water advice to their tenants (if tenanted). Water advice to be available online. This will cover areas with no street mail service
Plumbing and Drainage Act 2002. Water Supply (Safety and Reliability) Act 2008. Body Corporate and Community Management Act 1997.	Queensland Plumbing and Wastewater Code. Part 4 Water Meters for New Premises	The requirements to install a device (water meter) to measure the amount of water supplied to a meterable premises is contained within plumbing legislation. The intent of this legislation is to secure future water supplies in a way making consumers responsible for their own water usage anticipating a more conservative attitude towards water consumption. The legislation requires the water service provider to approve the water meter (sub-meter) to be installed which then is owned by the service provider in order to read and maintain the meter. These meters are located within common area, common property or public area. Issue: The configuration of water services and associated water meter installation on many premises are hydraulically complex and confusion exists on how meters are to be read in combination to accurately apportion water consumption cost to	Exclude the legislative provisions for mandatory water meter installation within meterable premises. They should not be retrofitted to existing buildings but should be considered in the planning of new buildings/ developments. Smart meter options may help the requirement for physical attendance to read meters regularly.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		individual tenancy/unit owners within a complex. In consideration of the plumbing design aspects for individual water consumption within a meterable premises, the water supply services can be hydraulically complex when its application relates to one or more of the following aspects ; common water use, bulk storage heated water supply, fire services, rainwater or alternative water source supplies ,leased areas within a vertical building and lots within commercial group titled development where backflow prevention devices and fire services are required . It is imperative that the water service provider reads individual water meters for each tenancy /unit and where applicable has an apportioning billing calculation to accommodate for complex aspects within a water supply service as mentioned above. Should this not be achieved then the onerous and expensive requirement to install individual water meters within new meterable premises should be rescinded as they simply add no value at all.	
Plumbing and Drainage Act 2002. Southeast Queensland Water (Distribution and Retailing Restructuring) 2009	Section 85 Para 53(5)(c)	Service provider approves work that involves connecting to, disconnecting from or changing a connection to the service providers water infrastructure as required under the Plumbing and Drainage Act (PDA) (section 85). Council cannot issue a compliance permit for regulated work that includes the above without the work being approved by the service provider. There is however provision within the PDA that allows local government to issue a compliance permit without approval from the service provider. Unfortunately this option is not being accepted by the service provider and as result is causing lengthy delays in obtaining necessary approvals; the reason being is that there is no legislative timeframe for the service provider to issue an approval. In some cases it has taken several months for customers to receive an approval for water and/or sewer	Outline an appropriate timeframe in the Water supply (Safety and Reliability) Act 2008 for services providers to provide approval for work that involves connecting to, disconnection from or changing a connection to the provider's water infrastructure. Mandate provisions for the service provider to assess the work and include the approval in the town planning or Development Permit (MCU or RAL, etc). Clarify the scope of work that the service

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		connection. There is also confusion as to the scope of work the service provider is to approve.	provider is responsible for approving.
Plumbing and Drainage Act 2002 in conflict with Water Supply (Safety and Reliability) Act		Conflict between Acts means that it is up to legal interpretation as to who may install, replace or repair water meters. Demarcation issue – there is an uneasy truce where the department has recently given a written interpretation which is only half a solution. Big cost implications.	Remove the additions to the P&D Act and defer to the WS (S&R) Act which is sensible and allows infrastructure owners to determine who can work on their assets safely.
Environmental Protection Act	Licensing and reporting requirements	DEHP is addressing this through a new project and the implications are huge. It aims to remove inconsistencies in the assessment of discharge licence conditions and make them more fit for purpose.	Support DEHP process
Environmental Protection Act	ERA 63 – DA's for sewage pump stations	Significant issue being address through LGAQ water leadership group and qldwater groups. Some wins already but still significant costs under the proposed regime.	Existing process with qldwater technical group.
Fluoridation Act	Various	In a state of flux at the moment with recent Premiers' announcements. The future of fluoridation for those councils left to implement is uncertain and there are big concerns of flow-on effects to those that have already done so.	- Reinstate smaller communities fluoridation operating grants scheme - Ongoing funding for training - Remove requirement for daily physical monitoring where there are other viable technical solutions
Queensland Development Code 1.4	Building over water infrastructure	BCQ want to mandate the current non-mandatory part of 1.4 Excavation and Piling near Sewers, Stormwater Drains and Water Mains. A draft set of guidelines has been issued and qldwater has convened a technical group to address. The major issue is the desire to exclude water service providers from the approval process for class 1 and 10 buildings, instead relying on private certifiers. Also issues about access distances to asset types etc.	Existing process with qldwater technical group.

5. SUSTAINABLE PLANNING ACT, IDAS

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Sustainable Planning Act 2009	Resource Entitlement and Development Approval	For development application through Integrated Development Assessment System (IDAS), the application form asks for evidence of resource entitlement or landowners consent. Currently the resource entitlement is dealt with under State Land Asset Management (SLAM) where we have to send copies of the completed IDAS forms of that particular development. Duplicating what is already in an electronic system (Smart eDA) where all development approval agencies can view, assess, request and approve almost immediately. The resource entitlement process is paper format by post or email. The process of resource entitlement often involves other state agencies i.e. Fisheries reviewing the application for their comments. However they are already doing this as part of the assessment process – so they are assessing it twice, once for resource entitlement and once for the development approval.	SLAM should use the Smart eDA in the same way that the other agencies do. As the other agencies are already assessing the applications, the time frame for approval of resource entitlement could be significantly less.
State Government Referrals	Sustainable Planning Act and associated SPPs Sustainable Planning Reg. Schedule 7	There are a number of triggers for referrals that are completely unnecessary and little value to the assessment process. Referral triggers extend to thirty-six pages of convoluted scenarios. It results in applications often being incorrect, acknowledgment notices being incorrect and assessment	If a planning scheme is signed off by the State and considered to adequately reflect the contents of an SPP then the State's interest should be protected and referrals are no longer required. Agencies should develop policies to be incorporated in planning schemes.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		notices being incorrect. This is fodder for appeals, where the focus should be on the merits of an application, not the semantics.	
Planning Scheme Amendments/TLPI	Chapter 3 Sustainable Planning Act	The planning scheme amendment and adoption process is time consuming and ineffective. The State's involvement in TLPIs renders this process of little value in using the TLPI as an alternative process.	Planning Scheme amendment / making processes must be simplified. State interests should be clearly articulated in a Schedule to the Regulation or Guideline. State Agencies should only be permitted to comment on these interests once, and provide feedback. Councils should be able to revise a Scheme if necessary, proceed to notification, and once notification has been completed, simply notify DSDIP that notification has been completed, what action has been taken in response, and confirm a Gazettal date etc.
Master Plans	Chapter 4 Sustainable Planning Act	The concept of the master planning "front loading" the document with the departmental requirements has been a failure and an unfulfilled commitment that the State Government offered as the incentive for Council and industry to take part in this process in partnership. Departments have shown little or no preparedness to opt out of the IDAS process.	Master planning is part of the scheme preparation process and does not need to be subject to special legislative provisions.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
IDAS process	Chapter 6 Sustainable Planning Act	SPA is characterised by sections that prescribe in detail the content of forms, notice, letters and a range of administrative documents that should not be subject to legislation. The emergence of this trend over the years has been a response to requests for clarity or certainty, but the consequences of such is that it burdens the system with the need to check, double check and triple check an application to ensure that every clause is responded to. Most requirements of the process are superfluous to most applications, and do not	Review SPA provisions to allow for a more outcome focused planning process as opposed to a tick and flick process that might deliver compliant outcomes but does not necessary deliver quality outcomes.
		ultimately assist in achieving better community outcomes. If something is missed then it gives the assessment manager the ability to halt or fail an application on process, rather than consider the merits of the application.	
Infrastructure Charges	Chapter 8 Sustainable Planning Act	Issuing of Infrastructure charges notices form and content have become overly complicated. Council's should have the ability to issue an Amended Infrastructure Charges Notice if a permissible change is made to an application that increases the demand. The SPRP reduces the transparency in a charging regime. The issue of value capture from planning approvals has not been addressed.	Councils should be able to determine a methodology for infrastructure charges that stands up to scrutiny (or be challenged), and incorporate that methodology and the charges in their Planning Schemes. This method was transparent, understood by the public and industry, and gives Councils the capacity to ensure that infrastructure needs can be met into the future. Consideration should be given to expanding charging powers to include a Value Capture Levy.
Sustainable Planning Act 2009		Vegetation management, advertising signs, on-street dining and goods on footpaths are all captured by town planning processes.	These matters can be more efficiently dealt with by Local Laws. Decisions can be made much more quickly and this assists business and at lesser cost.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Council cannot issue a development approval, regardless of it complying with all relevant planning scheme/policy requirements unless it has seen written from the Building and Construction Industry (Portable Long Service Leave) Authority that	Building and Construction Industry (Portable Long Service Leave) Act 1991 Part 8 s.75 (2)	Delaying the issuing of a development approval for operational works until an unrelated action is demonstrated to be undertaken ie portable long service levy has been paid, is unnecessarily adding to delays and red tape. The linking of the two actions is an efficient method to ensure Portable Long Service Levies are paid. Further if the development is not undertaken the proponent must then seek a refund, as the levy has had to be paid upfront to get the development approval, prior to it being triggered by the start of construction. Development approvals are not required to be actioned immediately. It is	Delete requirement tying the paying of the levy to the issuing of the development approval. Other mechanisms should be used to ensure the levy is paid at the appropriate time ie when work has commenced and contractors have been employed to commence work and the need for the payment of the levy is real.
the portal long service leave levy has been paid		common for development approvals to be held for some years before commencing construction. Further in some limited instances approvals are not acted on and actually lapse.	
Queensland Development Code MP 1.2	A1 Front Boundary Setbacks	Front Boundary Setback for house, garage, carport of 6m. Common for owner to want to utilise as much of their block as possible. Majority of owners wanting to build within the 6m. We are approving within 4m every day of the week with little consideration, tick and flick. This creates further red tape and financial burden on owners. This could be an as of right with no real repercussions.	Suggest amending 6m front set back provision to 4m as of right.
	Development Assessment Monitoring/Reporting	Councils are required to produce a range of statistical reports covering all aspects of the development assessment process and the detail of the actual development . Having to provide the same information in different formats to different agencies is time consuming and inefficient.	Have the various agencies rationalise their requirements and information demands into one format and one document. Have one agency assume responsibility for the collection and dissemination of the information through the various State agencies.

6. ENVIRONMENTAL PROTECTION, NATURE CONSERVATION, FISHERIES, WASTE REDUCTION AND RECYCLING, PETROLEUM AND GAS ACT

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Environmental Protection Legislation	Assessment process for projects	The current legislation tends to treat any situation as an event requiring controls, regardless of the scale of the project or the location e.g. a permit application is required to be submitted to build a footpath anywhere along Mooloolaba Spit in the developed parkland. Key agencies, such as Councils, other state government departments should be given the right to undertake a self assessment process for projects. This would not only dramatically reduce fees, but speed up approvals, and treats us as an accountable environmental partner	Legislation simplified with a risk based focus - the legislation to be redrafted based on a risk assessment process. Introduction of agency self assessment
Environmental Protection Legislation		The current system of applications for approvals for environmental projects goes to one “front door” but is then redirected to many offices. For example, an agency in Indooroopilly advised that Council cannot build a footbridge (for the Tooway Creek bridge underpass) as it is in a high tide zone, without even knowing the site location or local issues.	One point of contact/ approval
Annual reports requested by State government of LGs administration of various Acts relevant to Environment and	Environmental Protection Act 1994 s.546	The State government consistently requests annual reports of local government regulators in relation to the application of various Acts. There is rarely consistency in the information and data requested of local government. A great many resources are used to prepare and submit these annual reports.	Remove requirements to submit annual reports on the administration of various Acts including the Food Act and Environmental Protection Act.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Waste			
Environmental Protection Legislation	Vegetation Management and Maintenance	The government has introduced a range of confusing and sometimes conflicting legislation. This includes the requirements for vegetation offsets, through to preserving vegetation in the road reservations. The current broad-brush approach means that Council has had to apply for permits to clear vegetation in road reservations where there are road safety issues, through to having to get permits to clear trees that have regrown in a drain, blocking the drain. Councils rarely go into waterways to clear debris, as permits required and controls are costly. The community do not understand why this basic maintenance has not been done post the last floods.	A simplified approach to focus on preserving valuable habitat and genuine "of concern" vegetation. In particular, recognise the nature and predominant use of road reserves and allow removal of trees and vegetation without any approval process.
Compliance with State Environmental Legislation	Rivers/Foreshores/Beaches	There seem to be delays in approving works in rivers and along foreshores/beaches. There seems to be an extended approval process.	Review approval process to reduce delays.
Coastal Protection Permits for sea walls and other structures		Process to obtain coastal protection permits for sea walls and other structures.	Streamline this process.
Opening of Creek Mouths	Various Agencies i.e. Marine Park, Fisheries, DEHP	Due to the dynamic nature of the waters in North Queensland, creek mouths are continually closing with sand build-ups. We applied for flood mitigation for various creeks to open prior to or during high rainfalls events, however this is restricted to certain times of the year only. Outside these times (Nov – Apr) we are unable to conduct works or open the creek mouths. Rainfall events can occur and any time and these are very low lying areas they may require exceptions to the rule. In addition to Flood Mitigation, opening the	Exceptions to the time frames of opening the creek mouths to allow for both maintenance and emergency situations. Ownership and management of the resource needs to be clarified and determined including the response to fish kill incidents.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		mouths will allow works i.e. cell replacement, to be undertaken with minimal environmental impact. Whose responsibility is it when fish kills occur as a result of the mouths being closed during the drier hot seasons, when the trapped water quality deteriorates? In the past when the mouths could not be opened due to State Agency regulations, the resulting fish kills became the responsibility of Council based on the public health issue, when this could have been avoided by proactive cooperation between agencies and council. Council does not own the waterways yet is responsible for the opening of particular creeks and water monitoring etc. yet it is not our asset.	
Fish Passage	Fisheries Act 1994	The stated requirement for fish friendly culvert cells in areas that are seasonal creeks or watercourses or elevated with only infrequent water is unrealistic and add extra cost.	Have exemptions or self-assessable codes where Council can work out where fish friendly culverts are required.
Queensland Biodiversity Offset Policy	Nature Conservation Act 1992	Council have to remove Native Vegetation on work sites. Previously under the NCA 1992, Council could offset onsite or a nominated area which ensured offsets were undertaken maintaining continuity and ecological integrity. The recent changes introducing the Queensland Biodiversity Offset Policy and the stringent requirements for a legally binding mechanism i.e. gazettal as a protected area or area of high nature conservation value under the Vegetation Management Act 1999 or Use of a covenant under the Land title Act 1994 or Land Act 1994; and Other mechanism administered and approved by the State - requiring a nominated area will increase costs, remove flexibility, requires management plan for offsets. This reduces abilities to offset onsite to restore the area. In addition some of the rare, endangered or near	To resume the ability to offset locally where works have occurred. To allow for substitutes in species where they cannot be sourced.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		threatened are not able to be sourced allowing substitutes of equal value. There is no guarantee that a legally binding mechanism is realistically sustainable to Council.	
Duplication of native vegetation regulations	Nature Conservation Act 1992 and Vegetation Management Act 1999	Both legislations deal with Native Vegetation and there are duplications i.e. Development Application requiring VMA approval with a separate Clearing Permit under the NCA	That there be one legislation to cover all native vegetation
Dredging ERA & Water Quality Monitoring	Environment Protection Act 1994	Dredging results in water quality impacts i.e. turbidity, pH, DO. We monitor upstream and downstream and report on water quality results as a part of that permit reporting. What is the purpose of it when it is inevitable during dredging works, water quality will be negatively impacted. It is not meaningful as works are required for flood mitigation and difficult to mitigate. We submit it to the state agencies yearly and have to justify the exceedances – Is this unnecessary reporting.	Review of the reporting intention associated with dredging.
Fisheries Act		Example of drain constructed through an environmental wetland which has not been maintained and has silted up and been populated with mangroves. Requirements of the Fisheries Act with respect to mangrove management are considered excessive. Further, the offset payable in accordance with Fish Habitat Management Operational Policy FHMOP 005 (in the order of several hundred thousand dollars) pertaining to the removal of these mangroves is considered unjust revenue raising.	For projects of community benefit such as the relief of drainage problems and restoring a previously constructed piece of infrastructure, the payment for vegetation offsets is a charge to the community which is considered unjustified.
Mangrove Management		Councils have Mangrove Management Plans which allow, with the approval of DERM, limited pruning (under supervision). There are situations where mangroves were significantly affected during flooding and have not recovered. The	DERM's requirements for pruning/cleaning of mangroves could be relaxed specifically after times of severe flooding to allow Councils to attend to the maintenance of river reaches.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		remnants of these mangroves are unsightly and a cause of complaints from residents.	
	Compensation Payments	Councils are required to pay compensation to the former DERM for stormwater easements through reserve land.	Revenue raising as a result of construction of community infrastructure through community land is an excessive and unnecessary burden on the community
Queensland Environmental Offset Policies		The number of offsets policies and the hierarchy in which they are applied easily creates confusion for some development proposal and assessments.	Provide an overarching fact sheet outlining the hierarchy of policies, triggers and criteria, and associated spatial data (trigger and receiving areas) to support the decision-making process.
Queensland Environmental Offset Policies		Current policies do not allow for enough flexibility in delivery criteria to allow for strategic outcomes, resulting in an ad hoc approach to environmental management. For example, site suitability for vegetation offsets where the offset site is required to reflect the range of species cleared, limiting available offset delivery sites.	Allow for a flexible approach to offsets where the greater good outweighs the species for species requirement. Where local governments have identified and documented receiving sites within their LGA's that achieve a more holistic, strategic outcome, this should become a formal, negotiated outcome between state and local government to receive multiple offsets (regardless of the policy under which the offset was triggered).
Queensland Environmental Offset Policies		Government agencies working with superseded policies after a new policy has been released leading to ambiguities and discrepancies in the interpretation of offset outcomes between agencies.	When an offset is triggered under a superseded policy, there needs to be flexibility built into the new policy for the delivery. That is, allow the delivery to occur under either policy, based on which will provide the better environmental outcome for the least economic / resource input. There have been examples where the resource cost

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
			associated with meeting superseded policy requirements has outweighed the initial financial contribution provided.
Queensland Environmental Offset Policies		Costs associated with the production of comprehensive management plans, often required prior to an offset being approved.	Management plans are to be produced after an approval has been received.
Queensland Environmental Offset Policies		Costs involved with the planning stage (consultancy costs or staff time), in particular in relation to administration processes (application process, reporting)	Reduction of amount of paperwork, reporting, auditing and permits required would reduce amount of unnecessary administration.
Queensland Environmental Offset Policies		Inefficiency, conflicts and constraints in the practical application of policies due to a lack of cross-agency and key stakeholder involvement in the policy development phase.	Improved relevant agency and stakeholder consultation throughout the policy planning process. Provide clear guidance in regards to the status and applicability of the various State policies and legislation as it relates to implementation.
Various State Acts require local governments to licence and register certain licensable activities	• Environmental Protection Act 1994 s.73D	Low Risk Activities: A person must apply for a licence through local government where an act requires same. Often the activity to be licensed is of such a low or inconsequential risk that the licence is purely for licence sake. This creates extra work for Council and requires small business pay annual fees to hold a licence.	Remove where possible requirements for licensing and rather have self assessable codes of practice under legislation. example, remove requirement for low risk environmental activities to be licensed and rather if they meet a set of predefined codes then they are automatically approved by virtue of their self assessed compliance.
Marine (Moreton Bay) Zoning Plan 2008	DERM/Marine Parks/DPI&F	Permits to maintain constructed Migratory Shorebird Roosts are duplicated from Council's perspective as the agencies each want a permit to manage mangroves and beach profiles.	Council to only need one permit from State Government, rather than one from Marine parks and one from DPI&F to carryout works.
Water Act	Former DERM	Permits for Bushcare revegetation projects to pump from local streams: The problem is DERM want a permit for each site on each stream. MBRC covers	One permit for Council, rather than a permit for each site.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		2011 square kilometres. The amount of water collectively is minimal as most of the work is small plantings. As there are potentially 200 plus sites this is too much red tape.	
Marine Parks Act 2004 Sustainable Planning Regulation 2009 (SP Reg)		Stormwater pipe outlets in coastal areas can often have a build up of sand in front of them. This prevents adequate drainage and causes ponding of water. Clearing the sand away from the front of a drain requires a marine park permit as a minimum, it can also require resource entitlement, a prescribed tidal works approval and an ERA 16 permit. This is because the sand on the beach is not part of the drainage structure and is often below the high tide mark. (Minor works which are classed as excluded works, only applies to work above the high tide mark)	These works should be made self assessable or Local government should be given an exemption from having to apply for these permits. Once structure approved, ongoing maintenance should be permitted without additional permits.
Environmental Protection Regulation 2008		Canal estates require maintenance dredging on a regular basis. To carry out dredging an ERA 16 approval is required. When making an application for these approvals, the State Government requires an excessive amount of supporting information. Also, the permits are issued with numerous conditions making it difficult to carry out the work.	The canal estates are approved structures, and as such any maintenance required should be excluded from requiring extra permits. Local government should be responsible for ensuring that appropriate environmental protection measures are in place.
Marine Parks Act 2004 Sustainable Planning Regulation 2009 (SP Reg)		Maintenance of the sand landing beaches beside boat ramps is carried out by local government. The problem is that these beaches are not classed as part of the boat ramp structure, and therefore works cannot be classed as maintenance of an existing structure. These works are currently classed as beach nourishment, and require the associated permits.	These works should be made self assessable or Local government should be given an exemption from having to apply for these permits

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Waste Reduction and Recycling Act 2011	Data collection, management of waste in and out of facilities, volumetric surveys	Sections of the WRR Act relating to the industry waste levy will be repealed in coming months but there will be remaining sections that will still cause some grief for local government. Key issues include: Data collection should not be required down to the last vehicle detail (rego number). Aggregated data in and out of sites should be sufficient. Deemed weights are not satisfactory and are causing headaches in some councils. The deemed conversions need reviewing. Volumetric surveys are currently required but are an unnecessary expense for local government. Whilst they can add value to sound landfill management, they best belong in landfill management guidelines and not as a legislative requirement.	Review entire contents of WRR Act to ensure that legislative requirements are consistent with the needs and abilities of local government landfill management systems. A review of the WRR Act and Waste Management Regulations is due in coming months and we need to ensure that this review provides the necessary amendments for local government waste management.
Requirement for weighbridges at landfill sites 5-10k tonnes per annum (within two years of 1 December 2011)	Waste Reduction and Recycling Act 2011 (s43(2))	The current WRR Act requires landfill sites that receive 5-10k of waste per annum to have a weighbridge. This is a significant investment for councils – can exceed $250k to install a weighbridge, depending on location, site and power availability. These sites are not likely to generate sufficient income to recover the cost of the installation, let alone the ongoing management of the infrastructure.	Remove requirement for weighbridges at landfill sites licensed to receive 5-10k of waste per annum.
ERA licenses for council operated activities – primarily landfills, quarries and sewerage treatment plants.	Environmental Protection Act 1994	DEHP are currently reviewing some ERAs under the greentape project. This project needs to extend to the activities that councils operate to ensure that councils are given the same consideration the government is giving business.	Review ERAs for quarries, landfills and sewerage treatment plants to ensure that thresholds and fees are appropriate and in line with any other proposed changes under the greentape project.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Licensing of landfill gas operating plants	Petroleum and Gas (Production and Safety) Act 2004	This legislation was introduced in 2004 but it seems that the petroleum and gas inspectors are just realising that councils operate landfill gas plants. This means that councils have to develop safety plans and pay license fees for these plants – this is certainly red tape and can be removed. License fees are around $3500 per site per year – initial development of safety plans are an additional cost.	Remove requirement in legislation for landfill gas plants to be licensed under this legislation.

7. LAND ACT, VEGETATION MANAGEMENT ACT

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Land Act 1994		Permit Monitoring undertaken by council officers often results in matters where the permitted use falls within the provisions set out in a DERM lease. Without the ability to understand the provisions set out in DERM leases, this results in customers being referred to the State Government, therefore Local Government not providing customers with the outcomes they are seeking.	The sharing of information and access to relevant documentation between Local Government and State Government would allow for increased levels of customer service, and provide Local Government with an understanding of the extent of all approved uses on community land.
Land Act 1994			Simplify land dealings with Government, including eliminating DERM (or equivalent) approval on minor matters, such as leases on public land up to three years. Council purchased land, and land under roads should be in Council ownership and not transferred to the State.
Land Act 1994		Restriction on use of Council assets on Reserves particularly where a deemed commercial interest is involved eg coffee shop at swimming pool servicing non pool entrants. Leasing Council building at saleyard to commercial interest. Times have changed from the original intent of the Land Act and with the current financial position of all levels of Govt, private enterprise should be able to be utilised where appropriate for the betterment of the community.	Some form of relaxation of rigid application.
Land Act 1994	64	Ministerial Dispensation	Dispensation to all larger councils would significantly streamline processes in relation to reserves and deeds of grant in trust.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Resource Entitlement (State Land)	Land Act 1994	Council has various existing infrastructure that is not considered lawful under current legislation i.e boat ramps, bridges, pedestrian bridge etc. A number of these are built on State Land. When wanting to undertake maintenance or a rebuild of that structure, resource entitlement is often required adding significant time delays and administrative requirements.	As the structure is existing and has been used for long period of time, it would be preferable to have the ability to rebuild or maintain this structure without having to apply for resource entitlement so long as it meets general safety and environmental standards. Often the footprint or the alignment is almost identical not causing additional impacts on State Land
Duplication of native vegetation regulations	Nature Conservation Act 1992 and Vegetation Management Act 1999	Both legislations deal with Native Vegetation and there are duplications i.e. Development Application requiring VMA approval with a separate Clearing Permit under the NCA	That there be one legislation to cover all native vegetation
The VMA regulates the clearing of native vegetation	• Vegetation Management Act 1999 s.10D • Policy for Vegetation Management Offsets	Process and implementation of vegetation offsets as a condition of a development approval.	Streamline this process.

8. ROADS, TRAFFIC

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
Road Legislation	Generally	Spread over a number of Acts	rationalise
Transport Licences		Issues raised by business relate to guidelines and permits applicable to heavy vehicle use on Queensland roads, routine vehicle inspections and Certificate of inspection: High administrative burden (complex forms and approval process) and high application fee cost Significant delay by department in processing applications results in opportunity costs for operators due to delay in project timeframes Compliance with National Heavy Vehicle Accreditation Scheme including application, fees and renewal, 5 types of regulated independent vehicle audits plus spot checks incurring audits fees and charges; records management and lodgement to regulator, compliance with scheme standards.	Need to review legislation to simplify procedures, avoid multiple approvals, reduce cost burden of compliance and reporting, and reduce administrative delays.
Transport Infrastructure Act 1994 (TIA)	Section 46	Road closure signs with severe penalties prevent people in remote areas being able to move between their properties, to deliver the mail, to get to town for shopping and return home again. Permits to pass the signs are available but on a cases by case basis which has been interpreted as every time a driver needs to go past the sign. Residents in remote and isolated areas are aware of the	Residents are aware that there is a need for safety for people who are unfamiliar with the local road system. Property owners and service providers such as the mail delivery are requesting that extended or long life permits be issued which could have conditions for the type of use to prevent the permits being misused.

Legislative/Regulatory Requirement	Section or other Reference	Issue and Impact	Amendment Suggested
		conditions and limitations of their road systems and have vehicles which can traverse roads that urban vehicles cannot pass.	
Administrative Issue	Main Roads	Difficulty accessing Assets which are beside a MR Road.	It would be a big benefit if we could have a simple agreement that allows us to easily get approval to repair/maintain any of our infrastructure after advising MR that we are about to carry out work (similar to utilities through council land).
Traffic Management		Application of traffic management controls / accreditation for works via DTMR standards. - Traffic control accreditation – traffic controllers need to be employed for simple activities such as cleaning out culverts, or grading local roads with little traffic. The legislation also changed last year to require Council to have all staff fully accredited. It is no longer good enough to do internal training in traffic management. Hence there is a tendency to rely more on external contractors, at a higher cost. - Traffic management controls - the requirements for controls mean that either lanes must be closed, or undertake night works with traffic control. Maintenance costs for areas such as the Nicklin Way have increased dramatically to meet such requirements. This is overly risk averse and does not take into account cost to the community.	Less risk adverse approach to traffic management controls.

9. AUDITS & OTHER MISCELLANEOUS

Legislative/Regulatory Requirement	Section or other Ref.	Issue and Impact	Amendment Suggested
Auditor-General Act 2009	S30	As prescribed, the Auditor-General must audit all public sector entities including Local Governments i.e. the Auditor-General has a monopoly on Local Government audits. These audits are mostly contracted out by the Auditor-General which incurs increased costs and red tape to Local and State Government i.e. value for money cannot be demonstrated or questioned. There are huge variations in the audit fees charged by the Auditor-General to Local Governments. Analysis indicates no correlation between fees and the risk profile of each Council i.e. quality of personnel, systems and processes. The Local Governments have no input to the contracts being let by the Auditor-General and the fees charged.	To obtain efficient and cost effective audits for Local and State Government, the Auditor General Act 2009 and the Local Government (Finance, Plans and Reporting) Regulation 2010 should be amended to reflect a commercial risk based approach viz.; QAO undertake reviews of local governments periodically based on the risk profile of Councils e.g. once every 5 years dependent on size and risk profile of each Council Large Councils to tender for external audit in the years where QAO do not undertake audit Tendered audits to be undertaken in accordance with Auditing Standards and reports provided to the QAO The costs of QAO and tendered audit contracts to be monitored to ensure efficient and cost effective audits to Local and State Government. A panel of approved providers could be established
Fire and Rescue Services Act 1990	Section 118 - Frequency of Urban Fire	Councils are required to submit financial returns and levies, collected on behalf of the Government Queensland Fire and Rescue Service, five times each year. The annual Fire and Rescue	The frequency of remittances, and the requirement for complex returns to accompany remittances, is very time-

Legislative/Regulatory Requirement	Section or other Ref.	Issue and Impact	Amendment Suggested
	Returns	Services Regulations, which are issued each year to advise councils of the new levies, requires the following payment periods: 1 July to 31 October 1 November to 31 December 1 January to 31 March 1 April to 31 May 1 June to 30 June.	consuming for councils. Five times each year is considered unnecessary as the majority of councils collect revenue six-monthly and therefore the majority of revenue could be remitted more efficiently in two returns after each billing, which would reduce the impact of this process.
Integrity Act 2009	Chapter 4 Regulation of Lobbying Activities	Under the Integrity Act 2009 planning and development matters are included in the "lobbying activity" definition. S42(1) Lobbying activity is contact with a government representative in an effort to influence State or local government decision-making, including— (e) the making of a decision about planning or giving of a development approval under the Sustainable Planning Act 2009 In Queensland Councils are already highly regulated on planning and development matters under the Integrated Development Assessment System (IDAS) of the Sustainable Planning Act 2009 and through the Local Government Act 2009 and Local Government (Operations) Regulation 2010 for matters relating to transparent meeting processes. The application of the Integrity Act lobbying provisions where planning and development matters are concerned are therefore placing more unnecessarily red tape burden on local government. Council & LGAQ have previously made submissions on this matter to the government of the time and Integrity Commissioner.	That S42(1)(e) of the Integrity Act 2009 be deleted and instead its provisions be included under s42(2) as matters that are not lobbying activity.

Legislative/Regulatory Requirement	Section or other Ref.	Issue and Impact	Amendment Suggested
Integrity Act 2009	Chapter 4 Regulation of Lobbying Activities	The provision relating to incidental lobbying have proven to being one of the most difficult and contentious matters of the Act. S41(3) However, none of the following entities is a lobbyist— (d) an entity carrying out incidental lobbying activities; S41 (6) An entity carries out incidental lobbying activities if the entity undertakes, or carries on a business primarily intended to allow individuals to undertake, a technical or professional occupation in which lobbying activities are occasional only and incidental to the provision of professional or technical services. The provisions quoted requires Councillors and officers to make subjective judgement on "fuzzy concepts " in terms of making decisions whether or not contact should be continued with potential lobbyist. As a consequence a question arises as to how deeply a Councillor or officer needs to enquire into the affairs of the suspect or potential lobbyist to ensure they have done enough to avoid potential disciplinary action for misconduct under Local Government Act 2009 or in the case of proven disobedience of the Law criminal prosecution under S204 of the Criminal Code.	That s 41 (3)(d) and 41(6) be deleted from the Act.
Integrity Act 2009	Chapter 4 Regulation of Lobbying Activity	S70 The Integrity Act contains the following prohibitions in respect to lobbying activities :- (1) For 2 years after becoming a former senior government representative, the former senior government representative must not carry out a related lobbying activity for a third party client. (2) A government representative must not knowingly permit a former senior government representative of less than 2 years standing to carry out with the government representative a related lobbying activity for a third party client.	As discussed above the removal of planning and development matters from the definition of lobbyingactivity under s42(1) (e) would overcome this issue.

Legislative/Regulatory Requirement	Section or other Ref.	Issue and Impact	Amendment Suggested
		S70(3) defines related lobbying activity, for a former senior government representative, means a lobbying activity relating to the former senior government representative's official dealings as a government representative in the 2 years before becoming a former senior government representative. Following the local government election in April the CEO was approached by a former Councillor regarding a development application on foot for a local developer. Extensive legal argument then ensured to determine if the former Councillor was in contravention of s70. Any question as whether the former Councillor was carrying out a lobbying activity became dependent on the broader or narrower reading of the exemptions contained under s42(2) for a "lobbying activity". Whilst the changes suggested above to remove planning and development decisions from the definition of "lobbying activity" would provide more clarity to the issue discussed here, questions still remain about the current framing of s70 and the relevance it has to the rights of persons under constitutional law. In this regard Legal Services is maintaining a watch on the outcome of the Finks Motorcycle Clubs court action on what the court may consider is valid legislation direction over rights of persons.	
Information Privacy Act, 2009	S26 & Sch 3 Information Privacy Principles.	The Information Privacy Act, introduced in 2009, has had a significant impact on obligations when using images. Council employed a Corporate Image Library Officer, from February 2011, (contract ending 29 June 2012), to address the lack of compliance regarding images in its possession. The true scope of the works required to make Council legislatively compliant only became apparent once work began on the	Wind back the Information Privacy Act 2009 to allow for a more workable solution on image storage, retention and usability.

Legislative/Regulatory Requirement	Section or other Ref.	Issue and Impact	Amendment Suggested
		project. The new act has made a large number of images owned by Council unusable. Replacing these images will be a considerable expense to Council. Ensuring old images are compliant requires: opening hundreds of image folders and assessing the quality and use ability of the images researching image origin identifying each image subjects contacting the original photographer and requesting that copyright be transferred to Council contacting each image subject and retrospectively obtaining a signed photo consent form securing original signed legal documents according to best practice recordkeeping installing image metadata to link supporting documentation and information for future use renaming the images and image folder and installing into the library A labour intensive process as 98% of images in this collection have been stored without any information about origin or image subjects.	

10. ATTACHMENT A

LGAQ LEGISLATIVE PRIORITIES FOR INCOMING STATE GOVERNMENT
MARCH 2012

This document contains the legislative changes which LGAQ has identified for consideration by the new State Government. The paper is in two parts. Part 1 identifies priority changes which LGAQ considers are achievable within the Government's first 100 days. Part 2 identifies priority changes for the Government's first 12 months. LGAQ stands ready to discuss the proposed changes with the new Government.

LGAQ legislative priorities for incoming State Government

Part 1: Priorities achievable within first 100 days of incoming government

Act	Provision	Issue	Change sought	Why change is sought
Sustainable Planning Act 2009	Sustainable Planning Regulation Schedule 4 Table 5	Exemption of public hospitals and schools development	Rescind recent amendments to SP Regulation that exempt development on existing public hospital and schools sites.	To reinstate planning process and local government decision-making ability.
	Sustainable Planning Regulation Schedule 7 Table 1	Inability for SEQ Distributor-Retailers (D-Rs) to issue an AICN for Building Development Approvals	Recognise D-Rs as a referral agency for building work so that they have jurisdiction to levy an AICN.	A building development approval (without associated MCU or ROL) may increase demand on a site and imposition on trunk infrastructure. Therefore infrastructure charges should be able to be applied as per local government trunk infrastructure.
	Chapter 8 (Multiple sections incl s648C)	Infrastructure Charges Reforms	Amend and simplify infrastructure charges indexation for local government.	Amend to allow local governments to index using roads & bridges (not CPI as per recent SPOLA Bill changes). Furthermore, the current method of indexation is bound by the maximum amount and if and when the Minister decides to increase the maximum amount. This is counterintuitive to allowing for indexation and adds complexity where it should be simple and transparent. Possible solution is to simply allow council to index (via roads & bridges) at time of payment and regardless of set maximum amount (i.e. remove limitation of indexation of charges to maximum amount).
Local Government Act 2009 and parallel provisions in City of Brisbane Act 2010	Part 5 Sections 194 and/or 196	Staff appointments	Require CEO to consult positively with council/Mayor on and prior to appointment of senior council staff (limited to one level below CEO)	Elected members have to work very closely with and have full confidence in senior council staff. Having a vital say in their appointment will contribute to the formation of meaningful and positive relationships between elected members and senior staff.

Act	Provision	Issue	Change sought	Why change is sought
		Status of LGAQ	Recognition of LGAQ as the body representing LGs in Qld	
		Councillors nominating for state parliament	Removal of requirement for councillors to resign before nominating for state parliament	Long-standing LGAQ policy (see Point 10 in LGAQ election plan)
		Ability to create joint LGs	Re-instating the ability to create joint LGs (as per sections 39-54 of the LGA 1993) for one or more unrelated functions (eg pest control and tourism promotion)	Benefit to remote councils unaffected by the 2008 amalgamations
	Section 69(2)	Power to close roads	Expanding the power to close roads under this section to include "particular traffic" (not just "all traffic") or, better still, replicating section 46 of the Transport Infrastructure Act 1994	Councils do not presently have the power to close roads to particular types of traffic (e.g. heavy vehicles) in the interests of public safety. This is a frustrating issue for Councils, particularly in extreme weather events. The equivalent power of the State, on State-controlled roads, is broader.
	Section 72	Assessment of impacts on roads from certain activities	Identify an existing regulation that will empower LGs to make use of s 72. If no regulation is available then alter an existing regulation or draft a generic regulation for use by LGs.	Section 72 (ch3, pt3, div1) provides for LGs to direct road users to operate and / or pay compensation for adverse impacts on certain roads in certain circumstances - but only where a regulation is in place, and where the regulation conforms to s72(6). Until a regulation is identified, or made, LGs can not fully make use of the powers as the LGA intends.
	Section 92	Special rates and charges	Amend Section 92(3) of the 2009 Act by inserting, after the word "because", the words "in the local government's opinion". Amend the FPR Regulation by inserting into section 28 sections similar to subsections (2) and (3) of section 971 of the *Local Government Act 1993* (the 1993 Act). Amend the FPR Regulation by inserting into section 28 sections similar to subsection (6)	To protect local government's revenue raising capability. The change sought was detailed in the LGAQ's submission to Minister Lucas dated 1 March 2011 (everything asked for was rejected). In summary, the change is sought to reinstate the broader approach to special rating, as reflected in the 1993 Act, so as to protect, in particular, mining town special rating arrangements in place throughout the Bowen Basin.

Act	Provision	Issue	Change sought	Why change is sought
			of section 971 and subsection (2) of section 971A of the 1993 Act. Amend the 2009 Act by inserting a transitional provision validating special rating or charging resolutions that would otherwise be invalid as a consequence of the *Whiting* decision. The relevant provision could read as follows: - *It is declared that a special rate or charge levied by a local government under this Act or the repealed LG Acts is not, and never was, invalidly levied merely because the overall plan, the cost of which is proposed to be recovered by the special rate or charge, was adopted after the service facility or activity had been commenced or completed.* Amend the FPR Regulation by inserting into section 28 an additional subsection (subsection 4A) as follows: - *(4A) An overall plan can be adopted before or after the service facility or activity, the cost of which is proposed to be recovered by the special rate or charge, has been commenced or completed.*	
	Section 92	Separate rates and charges	Reinstate the 1993 Act definition	To protect and clarify local government's revenue raising capability. Under the 1993 Act, it was quite clear that separate rates and charges were to apply across all rateable properties in the Council's area.

Act	Provision	Issue	Change sought	Why change is sought
				The current definition is vague and is difficult to distinguish from special rates and charges.
	Section 94	Ability to review / challenge rating decisions (ie the "Xstrata" issue)	Blanket ban on general rating decisions being challenged or, as a fallback, add the following subsection to section 94: "(3) A local government decision to levy general rates is not subject to appeal on any grounds other than the ground that the amount of the general rates levied is unreasonable. *Note* – See section 244 for more information"	To protect local government's general rating capability from technical legal challenges. The change sought was detailed in a previous, unsuccessful submission to Minister Boyle in November 2010 – unsuccessful because Minister Boyle resigned her cabinet position in February 2011 just before she was about to agree to some (if not all) of what we were seeking.
	Section 95	Overdue rates and charges	Amend section 95(4) by replacing the words "After the charge has registered over the land, the charge has" with the words "Overdue rates and charges have".	To protect local governments' ability to recover overdue rates and charges. The change of wording in the 2009 Act places the recovery of overdue rates and charges at risk, unless the additional step of registering a charge is undertaken. This was not required under the 1993 Act. The change sought was detailed in the LGAQ's unsuccessful submission to Minister Lucas dated 1 March 2011 – it is still required, particularly if deferred payment mechanisms for infrastructure are foisted upon LG
	Section 170A	Requests by councillors for advice or information	Amend subsections (1) and (3)	To give councillors some ownership of the working relationship with staff
	Section 173	Conflict of interest	Apply the "ordinary business matter" exemption to conflict of interest (it presently only applies to material personal interest)	Provision needs to be simplified
Local Government (Operations) Regulation 2010 / City of Brisbane (Operations) Regulation 2010		Live streaming council meetings	Rescind the new live audio/visual meeting requirements for councils with a population greater than 100,000	Unacceptable cost burden placed on councils by the requirements

Act	Provision	Issue	Change sought	Why change is sought
ULDA Act 2007		Review of Act	Ensure, in particular, that UDAs are not declared without prior LG approval	Long-standing LGAQ policy (see Point 6 in LGAQ election plan and LGAQ Planning and Growth Management Issues paper)
Constitution of Queensland 2001		Referral of legislation	Referral of all legislation impacting on LG	To provide LG with the opportunity to comment on legislation impacting on LG
Water Supply (Safety and Reliability Act) 2008 Environmental Protection Act 1994 - EPP (Water)	Sections 70 – 115 & 120 – 150 Part 6	Reporting and planning requirements for Water Service Providers (WSPs)	Streamline the numerous planning reporting requirements which WSPs are currently required to undertake under Part 4 of the Act (along with associated plans such TCWMP under the EP Act). These plans include System Leakage Management Plans Drought Managements Plans Strategic Asset Management Plans Drinking Water Quality Management Plans Outdoor Water Use Conservation Plans Recycled Water Managements Plans Total Cycle Water Management Plans (under the EP Act) Recent reviews by DERM have recommended a more streamlined approach to these planning requirements. LGAQ advocates that these plans should be incorporated as part of an overall, stand-alone water and sanitation management plan.	The current state government has placed an enormous additional cost burden on councils and their communities through changes to water-related legislation and policy without meaningful analysis or consultation. While many such changes are legitimate and relevant improvements, including the increased focus on drinking water quality, it is critical to consider the capacity of councils and their communities to respond to these new requirements.
Water Supply (Safety and	TBC	Qualifications	Resolve the issue regarding qualifications to work on trunk and distribution mains up to	Recently the Plumbing Industry Council has confirmed (in its view) that the replacement of water

Act	Provision	Issue	Change sought	Why change is sought
Reliability) Act 2008 Plumbing and Drainage Act 2002			private property boundary and water meters.	meters on a service provider's infrastructure is notifiable minor work under the Plumbing and Drainage Act 2002 meaning that it must be carried out only by a licensed plumber. This view is inconsistent with the Water Supply (Safety and Reliability) Act 2008. If this view is correct, it would create a substantial cost burden for many regional councils where experienced staff do not have (or need) plumbing licences.
Mineral Resources Act 1989, Petroleum Act 1923, Petroleum and Gas (Production and Safety) Act 2004, State Development and Public Works Organisation Act 1971, Environmental Protection Act 1994 – plus other associated Acts – i.e. Water Supply (Safety and Reliability) Act 2008		NOTE: A major remake of all resource sector related legislation is required. Some of the key legislative changes sought and as articulated in LGAQ's Position Paper "Supporting Queensland's Resource Regions" are outlined below.	Contemporise, eliminate duplication and inconsistencies. Importantly, incorporate Local Government into decision making processes associated with tenure approval processes.	Current legislative framework does not support level of resource sector activity currently being experienced in Queensland.
Mineral Resources Act 1989; Petroleum Act 1923; Petroleum and Gas	N/A	Compensation for provision of services or infrastructure and road damage	Develop a regulation to the MRA, PGA and PGPSA that lists high impact activities and proposes a charging schedule. (NB: Need to consider whether the LGA will permit the collection of charges for this	

Act	Provision	Issue	Change sought	Why change is sought
(Production and Safety) Act 2004; Transport Infrastructure Act 1994		associated with high impact exploration activities.	purpose. Also consider work with TMR to develop a regulation to the Transport Infrastructure Act to permit charging for damage to roads more broadly.	
Mineral Resources Act 1989	Part 7A	Transport of operational equipment and infrastructure relating to resource operations	Extend the conditions requiring a notice of Notifiable Road Use to include the transport of equipment and infrastructure relating to the activities permitted by the particular tenure.	The transport of operational equipment and infrastructure relating to resource operations can damage roads – councils need notification and the ability to enter into compensation agreements. Current provisions specify thresholds for minerals haulage only.
Environmental Protection Act 1994		Social Impact Management Plans (SIMPs)	Amend the EPA to include the requirement for proponents to prepare Social Impact Management Plans as part of the EIS process, similar to that applying to the State Development and Public Works Organisation Act 1971.	The consideration and mitigation of social impacts is critical to the liveability and sustainability of resource communities. Although considered by EPA, the legislation is currently silent on the implicit requirement to develop Social Impact Management Plans (SIMPs).
Environmental Protection Act 1994; State Development and Public Works Organisation Act 1971		Participation by councils in EIS and SIMP processes	Include the provision for the proponent to provide a financial contribution to the case management costs of local government in managing EIS and SIMP submissions and assessments (including but not limited to Environmental Impact Statements, Initial Advice Statements; Supplementary Environmental Impact Statements and Social Impact Management Plans). Include a schedule of fees to govern the financial contribution proponents are required to make. The State Development and Public Works Organisation Act 1971 provides relevant commentary – refer to Schedule 1.	Local governments have a moral and governance obligation to comment on the impact of a proposed resource project on the well-being of their community. This requires significant funding and resources from Councils to be able to participate in EIS and SIMP processes.

Part 2: Priorities achievable within first 12 months of incoming government

Sustainable Planning Act 2009

SP Regulation / Statutory Guideline 01/12: Plan Making - State Interests
- Remove the current ambiguity on defining and interpreting State Interests which inhibits the local government plan making process and the ability of the DLGP to effectively coordinate competing priorities and State agency agendas (e.g. implementation of State Planning Policies)

SP Regulation / Statutory Guideline 01/12: Plan Making – Amendment process
- Review and refine the types of planning scheme amendments and consider refining the definition of 'minor amendment' to streamline the existing plan making process

Chapter 8 (Multiple sections): Infrastructure Charges Reforms
- Enact a permanent infrastructure charging framework
- Enact legislative amendments resulting from other outstanding reform items (such as the introduction of a possible deferred payment mechanism)
- Allow an amended Adopted Infrastructure Charge Notice to be (re)issued for permissible changes to allow councils to expedite minor amendments to existing approvals

Development Assessment Process Reform – Operational Works and Large Subdivisions (DAPR-OWLS) project
- Enact legislative amendments and direction anticipated from the project, including clarification on the role and application of approaches to Compliance Assessment (project due to be completed by August 2012)

Chapter 6: IDAS
- Review the IDAS framework to clarify timeframe accountability in the process and allow for more accountable reporting

Referrals
- Review and rationalisation of development referral triggers and State agency processes, including limiting repetition, number of reviews and the potential removal of advice agency triggers

Division 2: Minister call-ins
- Limit Minister call-in powers for development to cases where an issue is previously identified and defined as a matter of State interest

Sections 704 – 706 Compensation
- Review compensation provisions to ensure they do not act as a deterrent to the inclusion of hazard controls or strategies (e.g. flooding and climate change) in local planning instruments

Local Government Act 2009 and parallel provisions in City of Brisbane Act 2010

Statutory indemnity for local government
- Inclusion of legislative exemption from liability for reasonably-based local government decision-making

Review of reporting process

- Streamline reporting (community plan / corporate plan / operational plan)

Sections 12 and possibly 81: Indigenous councils

- Recognition of the significant additional legal, social and cultural responsibilities of Indigenous council leaders

Section 47: Code of Competitive Conduct1; State Guidelines2; Annual Report showing full cost pricing, CSOs, eliminating advantages and disadvantages of public ownership (or why the Code of Competitive Conduct was not applied): Councils with water service providers that are not significant activities but have annual expenditure greater than $270,000[3]

- Annual reporting requirements should be integrated for water and wastewater services (eg with annual reports on SAMPS, and other water management plans under the Water Supply Act 9) but be distinct from the whole of council annual report

Section 61(1): Acquiring land for the purpose of widening a road

- In order to distinguish between immediate acquisition and future realignment, Section 61(1) should be amended to state: "If a local government plans to realign a road by acquiring land upon which a substantial structure exists, the local government must give the owner of the land a notice of intention to realign a road."

Section 61(3): Acquiring land for the purpose of widening a road

- Delete "to the court" from subsection (3) to correct what appears to be a drafting error

Section 63: Acquiring land for the purpose of widening a road

- Amend Section 63 to refer to the Land Court instead of the Planning and Environment Court and include a provision giving the Land Court the discretion to extend the appeal period, to remove the inconsistency in the various legislation with respect to which court determines compensation

Section 66: Acquiring land for the purpose of widening a road

- Amend subsection (1) so that it refers to the owner of the affected land making structural improvements, rather than the local government, to correct what appears to be a drafting error

Section 105(5)

- Reference to the Financial Accountability Act 2009 is wrong – should be a reference to the Auditor-General Act 2009

Section 140(4): Liability for failing to comply with a remedial notice

- Insert a new subsection (6) which reads: "This section does not affect section 142 of this Act." To avoid the possibility of a successful challenge by an owner against a LG seeking to recover the costs of the work in the remedial notice

Section 197: Disciplinary action against employees

- Delete the words "is the only person who" in subsection (1). There is presently uncertainty as to whether the CEO can delegate the task to take disciplinary action – deleting these words would resolve that uncertainty
- Review regulation to redress inappropriate disciplinary types and dysfunctional record keeping requirements

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[1] 2005 Finance Standards.
[2] Full Cost Pricing in Queensland. A Practical Guide. Qld Gov 2000.
[3] s 126 LGBER2010.

- Review regulation to restrict opportunities for “jurisdiction shopping” and confusion and inconsistencies between jurisdictions

Section 262: Legal status of LGs

- Restore the legal status of councils to that of corporations

Section 265: Materials in infrastructure

- Include a provision similar to subsection 1122(3) of the 1993 Act to ensure the materials in works conducted and infrastructure placed by a LG are clearly the property of that LG

Local Government (Operations) Regulation 2010

Sections 72(2) and 73(3)

- Review regulation to allow councillors and/or other persons (such as advisors or consultants) to take part in a closed council meeting by teleconferencing
- Review regulation to extend teleconferencing approvals to be able to apply to committee meetings (open and/or closed)

Local Government (Finance Plans and Reporting) Regulation 2010

Sections 120, 122, 125 & 131: Corporate, Operational, Long-Term Community and Financial Plans

- Align reporting requirements in Water Supply (Safety and Reliability) Act 2008 and those in Local Government Act 2009 to remove the current confusion in planning and reporting on council’s water business between the requirements in the Water Supply (Safety and Reliability) Act and the Local Government Act which leads to disjointed outcomes that do not reflect leading practice for the industry

Section 135-136; DLGP Guideline Asset Management Advancement Program 2011-2012

- Align Long-term Asset Management Plans as required under the Local Government Act with the requirements under the Water Supply Act so that water and sewerage assets are treated only as part of an overall, stand-alone water and sanitation management plan that is fit-for-purpose across different sized water service providers

Section 108 -110, Annual Report: Councils and their water service providers [note Category 1 Water Authorities require similar reports]

- Annual reporting requirements should be integrated for water and wastewater services (eg with annual reports on SAMPS, and other water management plans under the Water Supply Act) but be distinct from the whole of council annual report

Section 111A; Annual Report

- Annual reporting requirements for owner entities of Water Service Providers (eg Distributor retailers, Wide Bay Water, commercialised units of councils) should be rationalised, standardised and align with the annual report of the water services entity

Local Government (Beneficial Enterprises and Business Activities) Regulation 2010

Section 128; Annual Report of cross subsidies, community service obligations, class of consumers serviced at less than full cost recovery: Councils with Water Service Providers that are 'Relevant Business Activities'[4]

- Annual reporting requirements should be integrated for water and wastewater services (eg with annual reports on SAMPS, and other water management plans under the Water Supply Act 9) but be distinct from the whole of council annual report. Annual reports should follow best practice for the water industry and should be produced for customers rather than the regulator. Thought should be given to applying the competitive neutrality principles to all water service providers regardless of size (with appropriate exemptions)

Section 32; Annual Report

- Annual reporting requirements for owner entities of Water Service Providers (eg Distributor retailers, Wide Bay Water, commercialised units of councils) should be rationalised, standardised and align with the annual report of the water services entity

Section 99; Annual Report

- Annual reporting requirements for owner entities of Water Service Providers (eg Distributor retailers, Wide Bay Water, commercialised units of councils) should be rationalised, standardised and align with the annual report of the water services entity

Local Government Electoral Act 2011

Conduct of elections

- Provide flexibility for councils to conduct elections themselves, contract with the ECQ, or contract with some other qualified provider

Waste Reduction and Recycling Act 2011

Exemption of MSW

All revenue generated from the waste levy to be hypothecated back to councils

Environmental Protection Act 1994

EPP (Water) Part 6: Total Cycle Water Management Plans

- Integrate TCWMP framework into existing water planning outcomes under the Water Safety and Reliability Act as part of an overall water and sanitation management plan

[4] Relevant Business Activities for water and waste water are 'significant business activities' (s 127). See s 9 (LGBER2010) and also s 43 of the Local Government Act 2009 for definition of a Significant Business Activity.

ERA 63: Requirements for DA (under ERA) 40L/m pump stations

- Remove the overly onerous task under this recent reform that any new pumping station will require a DA (through the ERA mechanism) despite whether it is connected to existing infrastructure. Any new pumping station would then be required to fulfill the requirements set out in ERA 63

Chapter 4: All WSPs treating water or wastewater[ii] - annual licence report required under the Environmental Protection Act

- Review the standard conditions to encourage consistency of licence conditions which currently vary markedly across the state. Rather than being varied on a fit-for-purpose basis (to reflect geographical diversity) they tend to vary depending on the interpretation of regional offices of the DERM (EPA).

EPA 1994 Chapter 3, Part 1

- Extend the period for comment listed in Section 42 and 49 from 30 days to a period commensurate with the length of environmental authority application

Environmental Protection Regulation Part 2 (EIS Process)

- Amend Part 2 to include the consideration of economic, social and environmental cumulative impacts in the prescribed matters for TOR and EIS processes. In particular, environmental and health impacts should be included in the section dealing with relevant impacts (Schedule 1)

Chapter 7, Part 2:

- Amend Part 2 to require (mandate) proponents to formally advise local government when they become aware of an event associated with carrying out their mining activity that could cause serious or environmental harm

Greentape Reduction Project

- Enact amendments previously negotiated

Water Supply (Safety & Reliability) Act 2008

Chapter 3 (s 196, 260,261,235, 271): Recycled Water Quality Management Plan

- Review and streamline LGs role in undertaking RWQMP requirements

Section 630: *E. Coli* and other indicators monitoring and reporting and exceedence notification – affects all drinking water service providers

- Clear lines of responsibility, particularly in times of crisis, should be enshrined in the legislation to avoid confusion

Plumbing and Drainage Act 2002

Stormwater

- Create a “Head of Power” for stormwater to clarify neighbour disputes, enforcement of lawful points of discharge, interaction of private stormwater installations with council infrastructure

LG (Beneficial Enterprises and Business Activities) Reg 2010

Interpretation re intended application / exemptions; interpretation of the s39(4) term 'helping'; clarification of requirement for DLGP approval; requirement to consult with LG employees who may be affected; restrictions on quantum of Council commitments to beneficial enterprises

- Define / list examples of exemptions (were included in previous LGA), inc definitions of 'community organisations' and other exempt arrangements; define / review use of the s39(4) term 'helping'; clarify what is covered and what is not covered by the requirement to obtain DLGP approval; change CAPEX budgeting requirement; change default position of DLGP non-approval; change restrictions on the quantum of Council commitment to beneficial enterprises

Mineral Resources Act 1989; Petroleum Act 1923, Petroleum and Gas (Production and Safety) Act 2004; Environmental Protection Act 1994; Water Act 2000

Legislative amendments to these Acts and all related regulations that mandates local government are informed (within a specified short time period) when any tenure or environmental authority application is received by the relevant authority

- Provide for early engagement of local government sufficient to plan for impacts associated with the commencement or upgrading of a resource project
- Where a proponent is required to obtain a Water License, the Water Act 2000 should be amended to stipulate LG as a priority group in Chapter 2, Part 6

Food Act 2006

Food Business Rating Schemes

- Design a system that is workable for local government

Animal Management Act 2008

Review of Act to, for example, reduce overly burdensome requirements for registration of cats and dogs and micro-chipping in rural areas

Public Health Act 2005

Removal of LG responsibility for cleaning up clandestine drug production laboratories

Removal of LG responsibility for approval and oversight of asbestos removal

Stock Route Network Bill

Stock route network legislative reform

- Remove reference to "public (stock access) land" in S14(a) & (b). The current definition determines that the primary use of all local and State government roads is for driving stock and must be managed accordingly

- Remove S205(2)(a). Exclusion of Primary A fenced network from Grazing Authorities will reduce local government access to revenue to recoup costs of managing the network

Biosecurity Bill

Precept Payments

- Remove S67 and replace with a clause that states the Minister may enter into Funding Agreements with Local Government to undertake specific agreed activities that will assist local government to meet its obligations under the Act

Penalty Infringement Notices

- Include a clause to allow local government to issue Penalty Infringement Notices

Various pieces of legislation

Establish uniform powers of entry for authorised persons

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[i] s 582 Water Act 2000.

[ii] s 19 Environmental Protection Act 1994 and s 17 Environmental Protection Regulation 2008 (EPReg 08). Both sewage treatment and water treatment are Environmentally Relevant Activities under section 19(6) and 19(7) of the EPReg 08.