



Hon David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

Our ref: MC14/3198

Your ref: 10.4 Petitions

23 SEP 2014

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 27 August 2014 about petition 2283-14, tabled in the House on 26 August 2014.

The Principal Petitioner raises concerns that sections 132 and 134 of the *Local Government Regulation 2012* (LGR) are in conflict with the common law definition of the term 'due date' as it applies to local government rates. In particular, the petition expresses concern that the local government legislation permits a local government to charge for services charged but not fully delivered.

It is the *Local Government Act 2009* (LGA) and the LGR which govern the levying of rates by local governments in Queensland (with the exception of the Brisbane City Council, where the relevant legislation is the *City of Brisbane Act 2010* and the *City of Brisbane Regulation 2012*). These legislative instruments will prevail over the common law to the extent of any inconsistency.

Pursuant to section 118 of the LGR, a local government must decide the date by which, or the period within which, rates or charges must be paid. There is no prohibition upon local governments from levying a rates notice for a period which is partly or fully after the due date for payment of a rates notice. I have no intention of amending the legislation to alter this situation.

Section 132 of the LGR very clearly specifies what overdue rates or charges are and when they become overdue. Rates and charges become overdue on the day after the due date for payment of the rates or charges stated in the rate notice (or in the case of concessions, after the due date for payment of the rates or charges stated in the agreement to which the concession relates).

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Under section 134 of the LGR, a local government may recover overdue rates or charges by bringing court proceedings for a debt against a person who is liable to pay the overdue rates or charges. Under section 95(2) of the LGA, overdue rates and charges are a registrable charge on the land itself. Whether or not a local government institutes legal proceedings or seeks to register a charge over land for overdue rates or charges is a matter entirely in the discretion of each local government.

The legislative provisions are clear. Ratepayers who are having difficulty in paying rates or charges by the due date stipulated in their rates notice should contact their local government promptly to discuss payment arrangements.

Again, thank you for forwarding a copy of the petition.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David', followed by a large, stylized scribble of overlapping lines.

David Crisafulli MP
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