



**Hon Andrew Fraser MP**  
Member for Mt Coot-tha



**Queensland  
Government**

MC06.5662; MC06.6035 – LAA1352/14

**Minister for Local Government,  
Planning and Sport**

13 JAN 2007

Mr Neil Laurie  
The Clerk of the Parliament  
[TableOffice@parliament.qld.gov.au](mailto:TableOffice@parliament.qld.gov.au)

*Dear Mr Laurie*

Thank you for providing me with a copy of the wording of two petitions numbers 734.06 and 711.06 addressed to the Legislative Assembly of Queensland, requesting the review of rate rises based on published advertisements and the legality of discriminating against rate payers on the height of their units, as levied by the Gold Coast City Council.

The *Local Government Act 1993* vests local governments with autonomous responsibility for ensuring the good rule and government of their areas. They are democratically elected bodies and are accountable to their communities for the decisions and actions they take. The decision on the rates to be levied is one solely for the Council.

Section 979(2) of the Act provides that rateable land included in a rating category may be identified in any way the local government considers appropriate. It is lawful for a local government to establish differential rating categories for different types of accommodation units.

In relation to the levying of differential general rates, the local government must determine categories of land and criteria to be used to identify that land. The Act does not however identify any criteria by which land is categorised. It is therefore open to a local government to categorise land by criteria that it considers to be appropriate and relevant for its community.

Other criteria which might be taken into consideration when developing a differential general rating scheme include, but are not limited to:

- future land use;
- services, facilities or activities available, or which will be made available to the land;
- the consumption of particular local government resources (or rate thereof);
- local government service standards or priorities within areas;
- location;
- access to services;
- economic circumstances affecting the land (including capacity to pay);
- demographic patterns; and
- climatic or environmental issues affecting the land.

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Every local government must adopt a budget each financial year and its budget must be based on its corporate and operational plans and have demonstrable links to those plans. A local government is required to adopt a revenue policy in advance of its budget to clearly set out the principles to be used in setting its budget and the broad strategy it plans to use to raise revenue. Council must ensure its revenue policy is available for inspection and copies are available for purchase at its public office. The budget must be consistent with the revenue policy.

In an endeavour to have the petitioners concerns addressed regarding the expected impact to ratepayers of Council's rating strategy in the 2006/07 financial year, and also to pursue the possibility of the Council adopting a different rating strategy in this and future years, I would recommend that petitioners direct their concerns to the Mayor and Councillors.

It is further understood the petitioners have concerns with the information provided by Council regarding its 2006/2007 budget. The Act requires Council to provide to all ratepayers, at the time the rate notice is issued, advice of the category of their land, the criteria by which the land is categorised and the ratepayer's objection rights. The decision to provide any other information is purely discretionary.

Nevertheless, local governments are encouraged to engage with their communities to ensure they are informed and Council's decisions are accountable and transparent. I would therefore suggest the petitioners also raise these concerns with Council.

In March 2006 the Beattie Government introduced a legislative requirement that all local governments in Queensland implement a complaints management process to improve their accountability and resolve complaints, including those about administrative actions of the local government. In accordance with this process, the petitioners are entitled to make a formal complaint in writing to the Chief Executive Officer of the Council. Council must appoint a complaints officer to conduct an investigation into the matter. Upon making a decision in relation to the complaint, the complaints officer is required to give the local government and the affected person notice of, and the reasons for, the decision.

If the petitioners are dissatisfied with the outcome of Council's investigation under its general complaints process, they may refer concerns to the Ombudsman as his role is to investigate and review administrative actions taken by Queensland's state agencies and local governments. Complaints to the Ombudsman can be made in writing to GPO Box 3314, Brisbane, QLD, 4001 in person or by using the online complaint form which can be found at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au). The Ombudsman's Office can also be contacted on telephone number 3005 7000 or toll free (outside Brisbane) 1800 068 908.

I trust this information is of assistance.

Yours sincerely

**ANDREW FRASER**