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**DALRYMPLE SHIRE COUNCIL**  
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All communications to  
be addressed to  
**Chief Executive Officer**

26 August, 2002

YOUR REFERENCE:
IN REPLY PLEASE QUOTE:  RJ/MK

The Secretary,  
House of Representatives,  
Standing Committee on Economics  
Finance & Public Administration,  
Parliament House,  
CANBERRA ACT 2600

House of representatives Standing Committee on Economics, Finance and Public Administration
Submission No: <u>269</u> .....
Date Received: .....
Secretary: .....

Dear Sir/Madam,

**RE: COST SHIFTING INQUIRY**

Thank you for your invitation to voice Council's concerns on cost shifting experiences between State and Local Authorities.

Council has noted the following areas where increased obligations and compliance costs have arisen: -

- 1) Pest Management and Rural Land Activities – with the enactment of the new Rural Lands Protection Act, further obligation has been placed on Council particularly in the area of controlling declared plants and animals. Whilst Council accepts that the onus of controlling declared pests has been in the domain of Local Authority since inception, Council is of the opinion that the total devolution by the Government of such affairs, as from a shared responsibility previously, has allowed the State to escape its duties and responsibilities pursuant to the Land Act, particularly within Dalrymple Shire, given that 95% of Dalrymple Shire is of leasehold tenure.

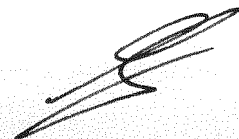
As you would be aware, leasehold tenure is held by landowners on lease from the Government and previously a condition of leases was that the landowner was required to clear and destroy all noxious plants. Of recent times, new leases being issued by the Government do not contain this provision, but rather, the provision to control and eradicate has been replaced by a less onerous condition whereby a landowner is to simply control noxious plants and animals. There is no definition of control in the Land Act or any other pertinent legislation and prosecutions in that regard are proving virtually impossible. Council believes that now, under the Pest Management Legislation, responsibility to ensure control of plants and animals on all lands regardless of tenure, rests solely with Council.

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- 2) Integrated Planning Act – the purpose of the Integrated Planning Act was to provide a vehicle allowing for a coordinated approach to development, particularly with respect to safeguarding State interests. Whilst no devolution of duties has arisen in this context, Local Authorities, as coordinating agents in most assessable developments, have been placed in a position of incurring further cost due to the increase in administrative procedures that must be adopted in coordinating and ensuring that all State interests are accounted for, prior to a decision being made. In addition, it is not yet clear whether or not a State Department requiring a development application refused, would be liable to defend its decision in that regard, in the event that a Local Authority was taken on appeal with respect to such decision.
- 3) New Legislation – legislation being introduced by Government, such as the Restricted Dog Laws and Fire Safety Laws regarding backpacker type accommodation, is providing significant impost on Council resources, as the legislation is placing the onus of administrating and policing such legislation on Local Authorities. Other similar legislation introduced in that regard includes, but is not limited to the Environmental Protection Act.
- 4) Native Title Legislation – the open ended manner in which Native Title legislation of both State and Federal spheres has been drafted has resulted in Local Authorities dealing with Native Title issues being required to shoulder excessive and abnormal costs in dealing with Native Title claimants. The absence of time limits within which claims must be lodged and determined allows for claimant groups to continuously require consultation with Council without having to prove their claim and thus, prove a connection with the land. Due to the absence of any time frame within which a claim is to be determined, Local Authorities must continuously refer any issues relating to future acts or otherwise, which may have an affect on future Native Title rights to the relevant claimant groups, and must proceed with a protracted period of negotiation that would otherwise not occur.

In addition, the absence of any formula or criteria on which compensation would be determined in the event that Native Title rights were held to exist, precludes Local Authorities from making commercial decisions on whether to resume Native Title rights and interests, thus forcing Local Authorities into a continuous negotiation process with the claimants concerned. Similarly, the absence of any set fee by Government as to remuneration payable to aboriginal claimant groups for on-ground inspection and monitoring results in significant costs being assumed by Local Authorities requiring such service. In order to satisfy State Government requirements, Local Authorities are being required to pay whatever fee is determined by aboriginal groups to ensure that the work is actually carried out.



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It is Council's belief that the issue of Native Title should remain in the realm of either State or Federal Government, and that Local Authorities should not be subjected to navigating through costly and time consuming negotiation processes for the purpose of being able to carry out infrastructure works, as may be required from time to time. The absence of any definitive legislation governing the above matters has devolved the responsibility for dealing with Native Title to Local Authorities who require public infrastructure works to be undertaken for the benefit of ratepayers as a whole, as against claimant groups.

- 5) Rating – the requirement for Local Authorities to recover State fees such as Fire Levies, and to coordinate State Subsidy Arrangements, such as Pensioner Remissions, requires significant time and money for Local Authorities to administer, recover and deal with the issues.
- 6) Roads – the State Government decision to reclassify various roads from their current status as State-Controlled Highways to a lesser category, results in a lessening of the State Government's burden towards the upkeep, maintenance and care of the roads whilst on the other hand, this transfers such costs to Local Authorities.
- 7) Vegetation and Associated Management Legislation – issues such as tree clearing, vegetation management, and environmental protection are State Government responsibilities. The State Government has introduced requirements for regional mapping to be undertaken for future planning purposes in the above regard. The State Government has proposed to prepare such vegetation management plan by extensive use of the public consultation period, and in that regard, has required vegetation planning groups to be set up throughout the entire State. A requirement exists for Local Authority representation on such Committees. Council is experiencing an increasing requirement to forward either elected, or paid personnel to more and more Committees which, as you would appreciate, requires cost and time from already stretched resources. Whilst it cannot be argued that the inclusion of public involvement in such proceedings is not beneficial to the State as a whole, the underlying factor is that the State Government has, in fact, secured the services of Local Authority representatives and members of the public willing to serve on Committees to carry out the ground proofing and information gathering necessary for projects, as the State Government does not have sufficient resources available for such work.

Yours faithfully,

  
JP Gott,  
CHIEF EXECUTIVE OFFICER