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ARTICLES

Queensland Human Rights Act and Local Government: The First Three Years –
Chris Piggott-McKellar and Megan Duane

The *Human Rights Act 2019* (Qld) requires local governments – including staff and councillors/mayors – to assess every act, policy or decision for compatibility with 23 human rights. A failure to identify and record all rights which may be affected by a decision, and to justify any limits on those rights, can lead to that decision being declared unlawful. This highlights the need for local governments to be aware of the scope of the 23 human rights and to implement strategies to embed human rights considerations in day-to-day decision making. This article explains: (1) the human rights obligations that apply to local governments in Queensland, (2) the key rights relevant to local government actions and decisions, and how courts have interpreted those rights, including a discussion of recent caselaw, and (3) potential areas of reform by reference to Act’s three-year review. 5

Housing and Productivity Contributions: A New Approach for New South Wales –
Willem van Wyk and Anthony Roydhouse

The Housing and Productivity Contribution introduced into New South Wales in late 2023 represents a significant shift in infrastructure contribution policy. While existing local contributions are retained, the new State Government scheme mandates blanket contributions (tax) on commercial, industrial and residential uplift across the metropolitan areas of Greater Sydney, Central Coast, Lower Hunter and Illawarra/Shoalhaven. This article seeks to outline the changes and explore the thinking behind it. Concerns are raised about the fairness of the tax base and the potential upward pressure on house prices. While it is too early for definitive remarks, the scale of the changes warrants an initial review. 12

The Modification of Local Infrastructure Contributions in New South Wales after
Intrapac and Buyozo –*Josie Walker*

This article is a response to two recent New South Wales decisions concerning the modification of conditions requiring the payment of contributions towards local infrastructure: *Intrapac Skennars Head Pty Ltd v Ballina Shire Council* and *Ku-ring-gai Council v Buyozo Pty Ltd* (Buyozo). It considers the background to those two decisions and their ramifications beyond the specific circumstances of those cases. It argues that the findings in Buyozo paradoxically make it more difficult to change a condition of consent than to change the development the subject of the consent. It recommends law reform, first to reverse the effect of Buyozo, and second to make the mechanics of appeals against contributions conditions better adapted to the unique characteristics of these conditions. 26

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