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| Queensland Legislative Assembly   |  |
| Number: <u>56187/149</u>  |  |
|  21 AUG 2018 | Tabled <input type="checkbox"/>              |
| MP: <u>Hon. Tina Liff</u>   | By Leave <input checked="" type="checkbox"/> |
| Clerk's Signature: <u>[Signature]</u>   |  |

**ECONOMICS AND GOVERNANCE COMMITTEE**  
**Report No. 12, 56<sup>th</sup> Parliament**  
**Draft Local Government (Dissolution of Ipswich City Council) Bill 2018**

**QUEENSLAND GOVERNMENT RESPONSE**

On 16 July 2018, the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs requested the Economics and Governance Committee (EGC) initiate an inquiry into a draft version of the Local Government (Dissolution of Ipswich City Council) Bill 2018 (the draft Bill).

On 17 July 2018, the EGC resolved to conduct an inquiry into the draft Bill in accordance with the *Parliament of Queensland Act 2001* section 92(1)(d).

On 17 August 2018, the Committee tabled in the Legislative Assembly its Report (No. 12, 56<sup>th</sup> Parliament) on the draft Bill.

The Queensland Government response to the Committee's Report and recommendations is provided below.

**Committee recommendation 1:**

*The committee recommends (on the basis that the draft Bill is introduced) that the Legislative Assembly pass the Local Government (Dissolution of Ipswich City Council) Bill 2018.*

**Queensland Government response:**

Support in principle.

Having had the benefit of access to transcripts of the Committee's public hearings and various submissions, the Government will introduce an amended bill to Parliament that accommodates and reflects many of the Committee's concerns and recommendations.

Key amendments include:

- providing advisory committee and interim management committee members with an immunity from civil liability under section 235 of the *Local Government Act 2009* for all acts and omissions done honestly and without negligence;
- removing the prohibition upon Ipswich City Councillors from being a candidate in a by-election or fresh election held in any local government area after commencement; and
- the insertion of a regulation-making power in the Bill, including confirmation a regulation may have retrospective operation to a day not earlier than the day of commencement.

**Committee recommendation 2:**

*The Committee recommends that the draft Bill be amended to allow for the Minister to appoint an acting interim administrator in circumstances of short-term absences of the interim administrator.*

**Queensland Government response:**

Support.

Clause 5(5) of the Bill provides the Minister with the power to appoint an acting interim administrator where the interim administrator is absent or cannot perform the duties of the interim administrator. It is intended that this power will be used during short-term absences of the interim administrator.

Under clause 5(5), the Minister may appoint an acting interim administrator until the Governor in Council appoints a new interim administrator under clause 5 of the Bill. This power will ensure continuity of council operations and business where the interim administrator is unable to perform the functions of the interim administrator for a short period, such as during a period of sickness.

Under clause 5(6) of the Bill, the Minister must publish, by gazette notice, the name of the acting interim administrator.

The Government is satisfied that clause 5 of the Bill will provide the Ipswich community with certainty regarding the ongoing management of the City of Ipswich and the community's needs, as outlined by the Committee in its report.

**Committee recommendation 3:**

*The Committee recommends that the draft Bill be amended to clarify that an Ipswich City Council councillor can be nominated as a candidate or for appointment as a councillor for any local government election in 2020.*

**Queensland Government response:**

Support in principle.

The Government supports the recommendation in principle. In addition, the Government proposes to also allow Ipswich City Council Councillors to be nominated as a candidate for appointment as a Councillor for any Local Government by-election, in any Local Government area other than Ipswich, in the period before March 2020. The Government intends to give effect to this proposal via the introduction of an amended bill.

Consequently, the Government decided to remove clause 7 of the draft Bill, as considered by the Committee, meaning it is not necessary to clarify that an Ipswich City Councillor can be nominated for appointment as a councillor for any local government area in the 2020 quadrennial local government election.

Clause 7 of the draft Bill, as considered by the Committee, imposed a prohibition upon all Ipswich City Councillors from being a councillor in any local government area until the 2020 quadrennial local government election. The removal of clause 7 from the Bill means that there is no prohibition upon Ipswich City Councillors from being a councillor at any point in the future, subject to the normal eligibility requirements under the *Local Government Act 2009*.

It is proposed that the explanatory notes will very clearly outline that the Ipswich City Councillors are not prevented from nominating as a candidate, or for appointment, as a councillor at an election for any local government (including a by-election or fresh election) from commencement.