

# Government & Probity NewsFlash

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## Queensland Local Government Bill 2009

### Overview

The Queensland Government's Local Government Bill 2009 was introduced to Parliament on 22 April 2009 and will replace the Local Government Act 1993. When commenced, the Local Government Bill 2009 will incorporate the governance framework for the 12 Aboriginal Shire Councils and repeal the Local Government (Community Government Areas) Act 2004.

***"The Local Government Bill 2009 is intended to increase the accountability and viability of local governments through the introduction of a principles-based, rather than prescriptive, framework for governance. A substantial number of prescriptive provisions in the Local Government Act 1993 will be incorporated into other statutes or have been omitted from the Local Government Bill 2009."***

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### Major Features of the Local Government Bill 2009

In summary, the major features are:

- Greater separation of responsibilities in the administrative and legislative arms of local government. The Local Government Bill 2009 clarifies that elected councillors are responsible the strategic direction of local government while local government employees are responsible for implementing the policies and priorities of local government.
- The process for making a "local government change" has been streamlined and consists of an assessment process and a separate implementation process. The Local Government

Change Commission is established under the Local Government Bill 2009 and has the role and jurisdiction to assess whether a proposed local government change is in the public interest. If the Commission determines that the change is in the public interest, the Bill sets out the process for implementation of the change.

- Local government can make and enforce any local law that is necessary or convenient for good rule and local government. The process for making a local law must be consistent with section 29 of the Local Government Bill 2009.
- A local government may conduct a business activity or venture that it considers is directed to benefiting and can be reasonably expected to benefit, the whole or part of its local government

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- area ("beneficial enterprise") provided that a resolution is passed to conduct the beneficial enterprise. In conducting the beneficial enterprise, a local government must apply sound financial principles and comply with local government Acts.
- Local government must apply financial sustainability criteria by prudently managing financial risks, formulating financial policies, and making available to the public accurate and timely information about the local government's finances and infrastructure. Local government is also required to maintain financial management documents and planning and accountability documents such as annual reports, 5 year corporate plans and long-term financial plans.
  - When entering into contracts, local government must have regard for value for money, open and effective competition, the development of competitive local business and industry, environmental protection and ethical behaviour and fair dealing. These principles are similar to those applied by State and Commonwealth governments.
  - There is no provision for a code of conduct for councillors. The Local Government Bill 2009 instead sets out expectations, standards about transparent decision-making, board of director-like responsibilities and local

government performance. A graduated system of penalties is provided for in the Local Government Bill 2009.

- Powers of the Minister to act in respect of local government has increased and includes suspending decisions made by local government, removing councillors and dissolving local government.
- The qualifications for a person to be a councillor have been made consistent, as far as possible, with those for State Members of Parliament.
- No provision is made for matters pertaining to the Local Government Association of Queensland.

### Conclusion

Prior to the commencement of the Local Government Bill 2009, the Local Government Regulations will be developed as a supplement. The Local Government Regulations will contain much of the operational and administrative detail current contained in the Local Government Act 1993.

Later this year, the Queensland Government intends to review the City of Brisbane Act 1924.



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