

# **Local Government Reform Implementation Bill 2007**

## **Explanatory Notes for Amendments to be Moved During Consideration in Detail by the Honourable Andrew Fraser MP**

### **Title of the Bill**

*Local Government Reform Implementation Bill*

### **Objectives of the Amendments**

The objectives of the amendments are:

- to expand the application of poll provisions to include polls conducted by other entities; and
- to clarify provisions relating to the interim CEO and the employment subcommittee; and
- to correct reference errors in the schedules.

### **Achievement of the Objectives**

To achieve these objectives minor amendments are proposed to the *Local Government Reform Implementation Bill 2007*.

### **Alternative Ways of Achieving Policy Objectives**

The policy objective can only be achieved by legislative enactment.

### **Estimated Cost for Government Implementation**

There will be no cost for government resulting from this amendment.

### **Consistency with Fundamental Legislative Principles**

The amendments are consistent with fundamental legislative principles

## **Consultation**

Consultation with the State Transition Committee supported the amendments to provisions for the interim CEO and employment subcommittee.

## **NOTES ON PROVISIONS**

**Amendment 1** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries reform]) of the Local Government Reform Implementation Bill 2007 (the Bill) to insert a subsection (2A) into section 159YW. New subsection 2A provides that if the interim CEO is an employee of one of the merging local governments, they may be appointed by way of secondment.

The purpose of the provision is to make clear that, if a CEO of a merging local government is appointed on secondment as interim CEO, their capacity to return to their substantive position as CEO of the merging local government remains intact until changeover day.

**Amendment 2** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries reform]) of the Bill by re-numbering subsection (3) as subsection (4). This facilitates other amendments to section 159YW.

**Amendment 3** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries reform]) of the Bill to omit subsection (4) from section 159YW. The removal of this provision allows an interim CEO who was a CEO of a merging council to have their position as CEO maintained until the elections, even though as interim CEO they do not fulfil that role.

**Amendment 4** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries reform]) of the Bill to replace subsection (2)(a) of 159YX to make it clear that the employment subcommittee is to include a representative of each union who has members among the employees of the merging local governments represented on the local transition committee.

**Amendment 5** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries

reform]) of the Bill to insert subsection (4) into section 159YX. This new provision defines union to mean an employee association registered as an organisation under the Industrial Relations Act 1999.

**Amendment 6** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries reform]) of the Bill to omit the reference “under chapter 6, part 2” in subsection 159ZY(1).

**Amendment 7** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries reform]) of the Bill to omit the reference “under chapter 6, part 2” in subsection 159ZY(2).

**Amendment 8** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries reform]) of the Bill to insert subsection (2A) into subsection 159ZY. This provision makes it clear that a poll related to local government reform is not to be conducted despite the poll provisions in chapter 6, part 2 of the Local Government Act 1993.

**Amendment 9** amends clause 5 (Insertion of new chapter 3, part 1B [Implementation of whole of Queensland local government boundaries reform]) of the Bill to insert into section 159ZY, definitions for conduct a poll and poll.

**Amendment 10** amends clause 5 (Insertion of new chapter 3, part 1B [Amendment of s 160 (Procedures before exercise of certain powers)]) by inserting new clauses 5A and 5B. New clause 5A of the Bill amends section 160 of the *Local Government Act 1993*. The amendment clarifies that the Minister need not give notice before exercising an intervention power under Chapter 3, Part 2, Division 1 of the Act if the power is proposed to be exercised because of contravention of new section 159ZY(1), which prohibits the conduct of certain polls.

New clause 5B of the Bill amends section 164 of the *Local Government Act 1993*. The amendment clarifies that the Minister may be satisfied that a local government has acted unlawfully by contravening new section 159ZY(1) and that, in these circumstances, the Governor in Council may make a regulation to dissolve a local government pursuant to this section of the Act.

**Amendment 11** amends clause 19 (Insertion of new schedule 1A-1C) to change the entry for Toowoomba in column 4 of part 1 of schedule 1A from divided to undivided.

**Amendment 12** amends clause 19 (Insertion of new schedule 1A-1C) to change the map reference entries for Gold Coast, Ipswich, Logan and Mornington in column 3 of part 2 of schedule 1B from LGTA to LGRB.

**Amendment 13** amends clause 19 (Insertion of new schedule 1A-1C) to provide that the chief executive officer of Logan City Council and Gold Coast City Council are members of the committee. The chief executive of Beaudesert Shire Council is not a member of the committee.