

# Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018

Explanatory notes for SL 2018 No. 103

made under the

*Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*

## General Outline

### Short title

Proclamation to commence certain provisions of the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*.

### Authorising law

Section 2 of the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*.

### Policy objectives and the reasons for them

The *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018* (the Act) was Assented to on 21 May 2018 and under section 2 commences on a day to be fixed by proclamation.

Staged commencement of the Act is proposed for the implementation of the new Councillor complaints system. The objective of the Proclamation is to fix 20 July 2018 as the commencement date for those sections of the Act necessary to provide for the:

- establishment, functions and appointment of the Independent Assessor (IA) and members of the Councillor Conduct Tribunal (CCT)
- establishment, functions and staff of the Office of the IA
- appointment and functions of investigators
- making of the code of conduct for Councillors by the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs
- making of the model meeting procedures by the chief executive of the Department of Local Government, Racing and Multicultural Affairs.

Commencement on 20 July 2018 will enable the IA and the members of the CCT (once appointed) to perform tasks necessary to ensure readiness of the new Councillor complaints system on its commencement, for example, the development of business processes and key documents such as approved form/s, procedures, practice directions, staff position descriptions, communications and training materials; and the appointment of investigators.

In addition, the making of the code of conduct for Councillors and the model meeting procedures will aid in the training of Councillors and Local Governments on the new system prior to its commencement.

## **Achievement of policy objectives**

The policy objective is achieved by fixing 20 July 2018 as the commencement date for those provisions of the Act necessary to achieve the above policy objectives.

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

There are no alternative means of achieving the purpose of the Proclamation.

## **Benefits and costs of implementation**

The benefits and costs of implementation were outlined in the explanatory notes to the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with the fundamental legislative principles.

## **Consultation**

Consultation on the implementation of the new Councillor complaints system is on-going with the Local Government Liaison Group including the Local Government Association of Queensland, the Local Government Managers Australia Queensland Inc. and the Crime and Corruption Commission.

A self-assessment by the Department of Local Government, Racing and Multicultural Affairs has determined that a Regulatory Impact Statement is not required as the regulatory proposal is excluded under category (g) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that are of a machinery nature.