

Local Government (Change of Representation for Cloncurry Shire Council) Amendment Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Stirling Hinchliffe MP, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs provide this human rights certificate with respect to the *Local Government (Change of Representation for Cloncurry Shire Council) Amendment Regulation 2020* (the Regulation) made under the *Local Government Act 2009*.

In my opinion, the Regulation as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The objective of the Regulation is to amend the *Local Government Regulation 2012* (LGR) to implement a recommendation of the Local Government Change Commission (the Change Commission). The recommendation is contained in the Change Commission's *Electoral Arrangement Review 2019 Final Determination Cloncurry Shire Council* (the Determination).

Chapter 2 part 3 of the *Local Government Act 2009* (LGA) provides for the process for changing a Local Government area, name or representation. In accordance with that part, on 10 January 2019 I referred to the Change Commission a change proposal from the Cloncurry Shire Council (the Council) to increase the number of elected representatives to apply for the 2020 quadrennial election. The Council is currently represented by four Councillors and a Mayor (five Councillors in total).

The Change Commission's recommendation in its Determination is that 'for the purpose of the 2020 Local Government Quadrennial Election, representation in the Cloncurry Shire Council increase to five Councillors and a Mayor (six Councillors in total)'. In line with the LGA section 19(8), the Change Commission recommended that the Governor in Council implement its final decision.

The LGA section 20(1) provides that the Governor in Council may implement the Change Commission's recommendation under a regulation. The LGA section 8(4)(c) provides that a regulation may fix the number of Councillors for a Local Government and any divisions of the Local Government area.

The Regulation amends the LGR to provide that the number of Councillors in the Cloncurry Shire Council is six, including the Mayor. The change will apply on notification for the purpose

of the 2020 quadrennial election and from the conclusion of the 2020 quadrennial election for other purposes.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Regulation clauses 4 and 5 engage the right to take part in public life, outlined in the *Human Rights Act 2019* section 23. Section 23(1) provides that every person in Queensland has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. Section 23(2) provides that every eligible person has the right, and is to have the opportunity, without discrimination: (a) to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors; and (b) to have access, on general terms of equality, to the public service and public office.

As the Regulation increases the number of Councillors for the Council for the purpose of the 2020 Local Government quadrennial election, it is compatible with the right to take part in public life, in relation both to electors in the Cloncurry Local Government area and candidates for the office of Councillor. The LGA section 4 provides that the ‘Local Government principles’ include democratic representation and meaningful community engagement. The Change Commission noted in its Determination that it ‘was persuaded that increasing representation will support both the ‘democratic representation’ and ‘meaningful community engagement’ Local Government principles by reducing the impact of leave and holidays on decision-making and by providing additional community representation.’ The scope of the human right is therefore promoted by the Regulation.

Conclusion

I consider that the Regulation is compatible with the *Human Rights Act 2019* because it raises human rights issues but does not limit human rights.

HON. STIRLING HINCHLIFFE MP
MINISTER FOR LOCAL GOVERNMENT,
MINISTER FOR RACING and
MINISTER FOR MULTICULTURAL AFFAIRS