

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, August 2018*



Queensland

**No.
A BILL for**

An Act to dissolve the Ipswich City Council and provide for the appointment of an interim administrator to act in place of the councillors of the Ipswich City Council and for related purposes



Queensland

Local Government (Dissolution of Ipswich City Council) Bill 2018

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2018

A Bill

for

An Act to dissolve the Ipswich City Council and provide for the appointment of an interim administrator to act in place of the councillors of the Ipswich City Council and for related purposes

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Local Government (Dissolution of Ipswich City Council) Act 2018*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Definitions

In this Act—

conclusion, of the election of a councillor, see the *Local Government Electoral Act 2011*, section 7.

councillor means a councillor of a local government under the *Local Government Act 2009*.

ICC councillor means a person who, immediately before the commencement of section 4, held office as a councillor, including as mayor, of the Ipswich City Council.

interim administrator see section 5(1).

interim period means the period—

- (a) starting when the interim administrator is appointed under section 5(1); and
- (b) ending at the conclusion of the quadrennial election of councillors for the Ipswich local government area held in 2020.

quadrennial election see the *Local Government Electoral Act 2011*, schedule.

4 **Dissolution of Ipswich City Council and end of term of ICC councillors**

- (1) On the commencement—
 - (a) the Ipswich City Council is dissolved; and
 - (b) despite the *Local Government Act 2009*, section 160, each ICC councillor's term ends.
- (2) If an ICC councillor was, immediately before the commencement, suspended under the *Local Government Act 2009*, chapter 6, part 2, division 7, the suspension ends when the councillor's term ends under this section.
- (3) The ending of the term of an ICC councillor does not give rise to a vacancy in the office of the councillor for the *Local Government Act 2009*, chapter 6, part 2, division 3.

5 **Appointment of interim administrator**

- (1) The Governor in Council must appoint a person (the *interim administrator*) to act in place of the councillors of the Ipswich City Council for the interim period.
- (2) The Governor in Council must publish the name of the interim administrator by gazette notice.
- (3) The Governor in Council may, in the interim administrator's instrument of appointment, limit the responsibilities and powers of the interim administrator.
- (4) Subsection (5) applies if there is a vacancy in the office of the interim administrator, or the interim administrator is absent or can not perform the duties of interim administrator.
- (5) The Minister may appoint a person to act as interim administrator until the Governor in Council appoints a new interim administrator under this section.
- (6) The Minister must publish, by gazette notice, the name of the acting interim administrator.
- (7) The Minister may, in the acting administrator's instrument of appointment, limit the responsibilities and powers of the acting interim administrator.

6 Decisions not reviewable

Unless the Supreme Court decides a decision of the Governor in Council or Minister under section 5 is affected by jurisdictional error, the decision—

- (a) is final and conclusive; and
- (b) can not be challenged, appealed against, reviewed, quashed, set aside or called into question in another way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

7 Application of *Local Government Act 2009* and other Acts

- (1) The relevant LGA provisions apply in relation to the interim administrator as if—
 - (a) the interim administrator were an interim administrator under the *Local Government Act 2009*; and
 - (b) for the *Local Government Act 2009*, section 236(1)—the interim administrator were the head of the Ipswich City Council.
- (2) If the interim administrator is a corporation, a reference in subsection (1)(b) or the *Local Government Act 2009*, section 205(3) or (4) to the interim administrator includes a reference to an individual authorised by the corporation to act on its behalf.
- (3) For the *Local Government Act 2009*, section 124(6), the costs and expenses of the interim administrator includes the costs and expenses of—
 - (a) an advisory committee created under the *Local Government Act 2009*, section 124(10); or
 - (b) a committee appointed for the interim administrator under the *Local Government Act 2009*, chapter 6, part 7.

- (4) The *Local Government Act 2009*, section 235 applies to a member of a committee mentioned in subsection (3) as if a reference in that section to a local government administrator included a reference to the member.
- (5) The *Local Government Act 2009* and other Acts apply to the interim administrator, with all necessary changes, and any changes prescribed by regulation, as if the interim administrator were the Ipswich City Council.
- (6) In this section—
relevant LGA provisions means the following provisions of the *Local Government Act 2009*—
 - (a) section 124, other than section 124(1), (3) and (5);
 - (b) chapter 6, part 7;
 - (c) sections 235 and 236(1).

8 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may provide for any matter for which it is necessary or convenient to provide in order to assist or enable the interim administrator to act in place of the councillors of the Ipswich City Council for the interim period.
- (3) A regulation made under this Act may have retrospective operation to a day not earlier than the commencement.

9 Expiry

This Act expires on 30 June 2020.