



Hon Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure,
Local Government and Planning

Our ref: MC20/5648

Your ref: A629709

23 DEC 2020

Mr Neil Laurie
Clerk of the Parliament
Parliament House
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Brisbane Queensland 4000
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Dear Mr Laurie

Thank you for your letter of 1 December 2020 about petition number 3318-20, received by the Queensland Legislative Assembly on 26 November 2020, requesting amendments to the *Local Government Act 2009* (LGA) and the *Local Government Regulation 2012* (LGR) to reflect that any pledge any councillor or local government employee has previously taken with a non-government organisation are invalidated once elected or appointed to public office. The petition also calls for the amendment of the LGA to stipulate that councillors or local government employees cannot sign a pledge to a non-government organisation which contradicts their statutory duty while in public office.

A councillor's statutory obligations override any internal pledge, rules, or codes of conduct of a non-government organisation.

Section 12 of the LGA sets out the responsibilities of mayors and councillors and section 254 of the LGR requires a mayor or councillor to declare, *inter alia*, to 'faithfully and impartially fulfil the duties of office'. Failure to carry out responsibilities and duties accordingly may be misconduct under section 150L(1)(a) of the LGA and may result in disciplinary action being taken against a mayor or councillor.

Section 13 of the LGA sets out responsibilities of local government employees and Chapter 6, Parts 5 and 5A of the LGA prescribe certain additional provisions for local government employees and councillor advisors. The requirements in the LGA in respect of local government employees' and councillor advisors' responsibilities and duties also prevail over any pledge which may be given to a non-government organisation.

The legislative amendments sought are not supported as the provisions in the LGA and LGR prevail for councillors, local government employees and councillor advisors and there are systems prescribed under the legislation to deal with failures to fulfil respective responsibilities and duties.

Further, the purpose of Queensland's local government legislation is to constitute local governments and establish the system of local government in Queensland and its purpose does not extend to regulating a person's rights to engage lawfully with, and participate in, the activities of a non-government organisation.

Yours sincerely

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development, Infrastructure,
Local Government and Planning