



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

Our ref: MC20/4518

Your ref: A601106

1 William Street
Brisbane Queensland 4000
Email deputy.premier@ministerial.qld.gov.au

27 NOV 2020

Mr Neil Laurie
Clerk of the Parliament
Queensland Parliamentary Services
Parliament House
TableOffice@parliament.qld.gov.au

Dear Mr Laurie

I refer to your letter of 11 September 2020 to the Honourable Stirling Hinchliffe MP, former Minister for Local Government, about petition number 3401-20 (the current petition) received by the Queensland Legislative Assembly. I refer also to Minister Hinchliffe's interim response of 8 October 2020 and to the requests made in the current petition.

I note that the current petition is similar to petition number 3199-19 (the earlier petition) to which you asked Minister Hinchliffe to respond in October 2019. The petitions have the same principal petitioner, and both call for ministerial intervention in response to the Cassowary Coast Regional Council's use of rate-payer funds to provide legal assistance for the Council's Chief Executive Officer.

The current petition requests that I consider the possible suspension or dissolution of the Council and the appointment of an interim administrator under section 124A (*sic*) of the *Local Government Act 2009* (the Act).

As Minister Hinchliffe stated in his response to the earlier petition, such an intervention is a very serious matter.

In order to recommend that the Governor in Council suspend or dissolve a council under section 123, the Act requires that I reasonably believe the local government concerned has seriously or continuously breached the local government principles or is incapable of performing its responsibilities or that it is otherwise in the public interest that every councillor be suspended or dismissed.

As was the case for Minister Hinchliffe in October 2019, on the information available, I am not of the view that there is factual evidence on which I might reasonably form such an opinion and it remains that there is no justification for suspension or dismissal.

I note that the Council continues to have in place a policy titled 'Provision of Legal Assistance for Employees and Councillors' which allows for and governs the use of rate-payer funds on the legal representation of councillors and Council employees. In establishing the Council's position on matters of relevance, the policy makes no reference to whether or not the Council's insurers are expected to reimburse costs.

The Council appears to be acting in accord with this policy.

As an alternative to the suggested suspension or dissolution of the Council, the current petition asks that the Assembly do all in its power to ensure that I, as the responsible Minister, appoint a financial controller for the Council. In this regard I can advise that under section 118 of the Act it is the Director-General of the Department of State Development, Infrastructure, Local Government and Planning who is responsible for such appointments. Should petitioners believe that the prerequisites for the appointment of a financial controller as set out in section 118, are satisfied, they should take their request to the Director-General.

I acknowledge the ongoing community concern about the matters canvassed by petitioners. Accordingly, I will monitor the situation however, I encourage petitioners to engage with the Council so as to inform its decision-making in this matter.

I thank petitioners for raising their concerns and trust this information is of assistance.

In accordance with Standing Order 31, I request this response to be tabled.

Your sincerely



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