

DATE Friday, 5 February 2021

TO: Cr Peter Scott – Mayor, Cook Shire Council

SUBJECT LGAQ Policy Executive Update for Far North Queensland Regional Organisation of Councils Meeting – Monday 8th February 2021

Key Activities Summary

This brief provides an update on the following key LGAQ activities:

- 1. December Policy Executive Meeting**
- 2. Forthcoming Policy Executive Meeting – 11 February 2021**
- 3. Federal Budget submission overview**
- 4. State Budget**
- 5. Filling of mayoral and councillor vacancies**
- 6. COI Legislation update**
- 7. Rural & Remote Councils Compact**
- 8. Queensland Climate Resilient Councils (Q CRC) Program Grants**
- 9. Waste Update**
- 10. Trade and Investment update**
- 11. Tait v Goondiwindi Regional Council [2019] QDC 208**
- 12. Awards validity challenge**
- 13. Review of the Strong and Sustainable Resource Communities Act 2017**
- 14. 2021 ROC Assembly**
- 15. LGAQ Submissions Update**

1. December Policy Executive Meeting

- The last Policy Executive meeting for 2020 was on 11 December. Key decisions made at the meeting included:
 - The endorsement of the newly named Rural and Remote Councils Compact, following consultation with Members. The Compact has been renamed and PE has confirmed it will not limit the ability of different regions, regional organisations of councils, regional alliances nor individual councils to pursue their own priorities with Government. A member communique was circulated to mayors and CEOs post the PE meeting and is available [here](#).
 - The adoption of advocacy action points to include in the 2021 Advocacy Action Plan. In addition to conference motions, the PE has decided to include the issue of housing for rural and remote communities to ensure appropriate advocacy can occur to address this issue.
 - To write to the Department of State Development, Infrastructure, Local Government and Planning to seek greater clarity on vegetation clearing exemptions for bushfire preparedness
 - For LGAQ to participate in a joint working group with the UDIA and the Property Council to produce a broad-based community education campaign to help improve community knowledge and understanding of the planning process across Queensland.
 - Certificate of Extensive Service: The PE has clarified the decision at Annual Conference to ensure that the minimum additional period of service (4 years) will apply to both retiring as well as serving members
 - The endorsement of four key strategic issues as priorities for the LGAQ and the Indigenous Leaders Forum being: Housing, Land tenure, Financial sustainability and Connectivity
- Other items of interest included:

An update on the ongoing work the LGAQ is doing to address on Registers of Interests and Conflict of Interests for Councillors, which came into effect on 12 October. Policy Executive members received a legal update. This legal advice is available online for Members to read.

An important legal briefing on the Goondiwindi vs Tait court case, and the impacts it will have on RMPs. The LGAQ is pursuing the matter with the state government, with a number of meetings held in December. Work is continuing on this matter and more details can be found later in this brief.

A presentation on Financial Assistance Grants following previous Policy Executive's endorsement of the LGAQ commissioning a discussion paper canvassing options for reform of federal financial relations, with the aim of providing local governments with access to a growth tax or revenue source that enables them to deliver essential public services and infrastructure. The presentation by Alan Morton is available online for Members to read. A video presentation will be available online for members in the near future for all Members to watch.
- Minutes of the December Policy Executive meeting are available [here](#).

LGAQ Lead Contact for this matter: Alison Smith, Head of Advocacy

2. Forthcoming Policy Executive Meeting – 11 February 2021

- The first policy executive meeting of 2021 will be held on Friday 11 February. Key strategic items listed on the agenda for discussion include:
 - Legal costs for councillors affected by defamation
 - Conflicts of Interest – Integrity issues
 - Maturing the Relationships with ROCS
 - Progress on the Rural and Remote Councils Compact
- Policy Executive will also receive presentations on Flood warning networks by Dr Andrew Johnson CEO and Director of Meteorology and the 5G Network from AMTA.

- Other items of interest include:
 - Updates on LGAQ Projects - QWRAP, QCoast2100 and QCRC.
 - Next steps for councils re Goondiwindi v Tait
 - LGAQ efforts to secure cost recovery funding for Councils faced with implementing Border Closures
 - New measures for the Advocate team to better support Policy Executive Members, ROCs and Segments
 - An update on the State Government's review of the Waste Levy Review
 - A new communications campaign on Domestic and Family Abuse

LGAQ Lead Contact for this matter: Alison Smith, Head of Advocacy

3. Federal Budget submission overview

- As part of our enhanced Federal Government advocacy strategy, the LGAQ has lodged a Federal Budget submission, which will form a key part of our federal engagement strategy for 2021 and ongoing advocacy on behalf of members.
- The submission draws upon eight 2020 convention motions (Policy Executive, Townsville, Barcoo, Central Highlands, Quilpie, Isaac, Western Downs and Longreach) and 16 initiatives in the 2021 Advocacy Action Plan and progresses issues of importance to members and with a view to a possible federal election later this year.
- On behalf of members, the submission has been sent directly to Treasurer Josh Frydenberg, with a copy sent to each of the 42 Federal Queensland House of Representative Members and Senators.
- While we supported the ALGA budget submission, the LGAQ felt it important to outline Queensland specific issues that are unique to local Councils and local communities.
- The Federal Government's COVID support and budget initiatives have been gratefully received and recognised throughout Queensland.
- The Federal Budget submission outlines further economic stimulus and support measures in recognition of our state's truly unique economic and social challenges that include the ongoing and severe drought, regional connectivity, advancing our First Nations Councils and closing the gap and protecting the Great Barrier Reef.
- In providing the submission, the LGAQ recognises the unique challenges faced by Queensland councils in Australia's most decentralised, most disaster impacted state.
- A full copy of the LGAQ's Budget submission has been sent to members and ROC EOs as part of the LGAQ's regular Member communications. A copy can also be obtained from LGOnline.

LGAQ Lead Contact for this matter: Shayne Sutton, Manager – Intergovernmental Relations & Special Projects

4. State Budget

- On 1 December 2020, the Queensland Treasurer, the Hon Cameron Dick MP, handed down the 2020-21 State Budget.
- The LGAQ circulated to members via EDM on Budget Day comprehensive analysis on items of interest to local government.
- Councils are set to benefit from the 2020-21 State Budget's focus on job creation and post COVID-19 economic recovery.

- Queensland councils have welcomed several initiatives in the Budget that build on the solid partnership between the State and local governments, including \$200 million in Works for Queensland funding and \$50 million in economic stimulus for SEQ councils over four years, to create and support thousands of jobs and build and maintain community infrastructure.
- Queensland councils will continue to advocate for the Works for Queensland program to be permanently funded at \$100 million a year going forward, as requested by the LGAQ during the State Election campaign. It has never been more critical than right now to ensure adequate funding for this important initiative.
- Queensland councils will also continue to advocate for a permanent allocation of \$50 million a year to help local government address areas of high unemployment and disadvantage in South East Queensland.
- Queensland councils will continue to advocate for greater support for Queensland's 17 First Nations councils, including a 10 per cent increase to State Government Financial Aid (SGFA). At a cost of just \$3.5 million per year, this increase would greatly assist First Nations councils to boost employment and training opportunities.
- Councils have welcomed access to the \$20 million Queensland Tourism Activation Fund to continue to rebuild and grow Queensland's tourism industry.
- Councils have welcomed the \$280 million commitment to the Transport Infrastructure Development Scheme (TIDS) contained within the State Budget. Going forward, local government will continue to advocate for this funding increase to ensure councils can keep up with demand for safer, more productive and connected road networks across Queensland.

LGAQ Lead Contact for this matter: Shayne Sutton, Manager – Intergovernmental Relations & Special Projects

5. Filling of mayoral and councillor vacancies

- A by-election for the new Rockhampton Mayor was held on Saturday 23 January thanks to changes made to the 12-month vacancy provisions in the *Local Government Act 2009* in December 2020. A by-election for Townsville City Council was also held on the same date to replace the vacancy created by Deputy Mayor Les Walker's election to State Parliament. Several other councils who currently have elected member vacancies have also signalled their intention to seek by-elections rather than appoint the runner-up at the last election.
- This followed an announcement on 10 November 2020 by then Minister for Local Government Stirling Hinchliffe that the Government would move swiftly to retrospectively repeal the provisions of the *Local Government Act 2009* that mandate the automatic election of the runner-up in a mayoral or councillor election if a vacancy occurs within the first 12 months of the term.
- On 2 December, the Queensland Parliament passed the COVID-19 Emergency Response and Other Legislation Amendment Bill 2020 which included changes to the *Local Government Act 2009* to provide for mayoral vacancies in the first 12 months of the local government term to be filled by a by-election. Where there is a vacancy in the office of a councillor, whether in a divided or an undivided council, the council will determine by resolution whether the vacancy is to be filled by a by-election or the appointment of a runner-up, under the changes.
- With this legislative change, the Premier honoured her election commitment to the LGAQ Annual Conference on the Gold Coast on 20 October 2020 to amend this provision.
- The LGAQ wrote to the Premier on 11 November 2020 thanking her for moving quickly on this matter and imploring her to ensure any retrospective changes apply not just to mayoral

vacancies but to all councillor vacancies within the first 12 months, whether from divided or undivided councils as per the Annual Conference resolution passed by members.

LGAQ Lead Contact for this matter: Georgia Stafford, Lead – Intergovernmental Relations

6. COI Legislation update

- The LGAQ has had multiple meetings with the Deputy Premier and DDG of DLGRMA to progress this concerning issue, most recently on 3 February 2021. The LGAQ is also having discussions with the Office of the Independent Assessor.
- The new COI legislation that came into effect on 12 October 2021 is proving to be confusing and cumbersome and adding hours of extra time to council meetings.
- The LGAQ Head of Advocate wrote to all Mayors and CEOs in January 2021 asking them to provide examples of unworkable situations councils are regularly facing.
- A formal submission will be prepared using the examples received and provided to the Minister, DLGRMA and the Integrity Commissioner to further Members' requests for change.
- The LGAQ is strongly advocating a considered process in consultation with our members, to help move to a more workable solution on the COI legislation as soon as possible.
- The submission will not advocate for a complete overhaul of the legislation – rather, for some limited but sensible practical changes that would improve the efficacy of the law whilst preserving the intention to improve integrity.

LGAQ Lead Contact for this matter: Georgia Stafford, Lead – Intergovernmental Relations

7. Rural & Remote Councils Compact

- The *Bush Councils Compact* was developed and pursued by the LGAQ on behalf of members following a resolution at our 2019 Annual Conference. In line with LGAQ's policy development framework, the draft *Bush Councils Compact* was considered and unanimously endorsed by the Policy Executive on August 14 this year.
- A further round of consultation with councils was held after the 2020 Annual Conference. On 11 December 2020, after considering the consultation results, the Policy Executive supported the Compact's progression with some minor amendments including the new name of "*Rural & Remote Councils Compact*".
- To reinforce the role of elected Policy Executive representatives, and to minimise duplication, a new layer or the creation of an additional committee, the compact is being progressed based on the existing rural and remote representatives taking on the role of the compact's guardians and reporting back to the Policy Executive as a standard agenda item.
- The LGAQ has shared with the State Government a draft outline of the terms of reference, agreed to at the 11 December 2020 Policy Executive meeting and which were shared with members in a joint communique that day. The LGAQ has requested the establishment of an intergovernmental working group to negotiate the compact.
- In discussions with government, the LGAQ aims to reach a launch date/signing of the compact with the Guardians Group and Premier/Deputy Premier within the first half of 2021.

Lead contact for this matter: Alison Smith, Head of Advocacy

8. Queensland Climate Resilient Councils (Q CRC) Program Grants

- The Q CRC program currently has grants available to interested councils:

- Climate Risk Management Strategy – a local government area wide approach that considers risks from increasing physical hazards such as cyclones and sea level risk as well as risks and opportunities from transitioning to a low carbon economy;
- **EOIs due 1 March 2021**
- Climate Resilient Alliances – funding to employ a coordinator to establish an alliance of councils to collaborate in the delivery of transition and adaptation projects on the ground;
- **Applications close 12 April 2021**
- Online information sessions are being held 12-1pm 9, 10, 11 & 12 February 2021.
- The next 3-day Climate Resilient Leadership Course starts on 19 March 2021.
- The course is suitable for elected members and senior executives through to senior council officers.
- Contact Dorean Erhart on Dorean.Erhart@lgaq.asn.au for more information.

LGAQ Lead Contact for this matter: Dorean Erhart, Lead – Climate Change and the Great Barrier Reef and Program Manager – Q CRC

9. Waste Update

Waste levy – advance payments to councils

- There is a legislative requirement to conduct a review of the waste levy legislation prior to June 2022. It is expected this review will commence in early 2021.
- Advance payments to waste levy councils totalled \$143.5 million in 2019/20 will be included in this review.
- The LGAQ Conference (2020) Association Motion 15 – Sustainable local government waste management and resource recovery – seeks:

That the LGAQ lobby the State Government to recommit to the continuation of the advance payments to councils for Municipal Solid Waste beyond 2022 and for at least the next State Government term.

- The LGAQ acknowledges that councils will require clarification of advance payments beyond June 2022 commitment in a timely manner to allow sufficient lead time prior to the 2022/23 budget planning cycle.

Waste management reforms

- Discussions with the Department of Environment and Science (DES) occurred on 29 January 2021, confirming that the department is intending to progress and finalise the proposed legislative amendments to Section 7 of the *Waste Reduction and Recycling Regulation 2011*.
- The LGAQ's overarching position on the matter remains unchanged – i.e., that there should be no interference with such a core public service nor with the autonomy of local governments in establishing facilities, services, rates and charges.
- It appears through discussions to date, that existing contractual arrangements will be respected as part of transitional provisions and that councils will maintain the level of service delivery in designated areas where there is a clear overlap of mixed uses incorporating both residential and commercial areas.
- Ongoing concerns have been raised by affected councils that need to be resolved prior to finalisation of the legislation.

Annual waste data and reporting

- Councils have raised concerns regarding the current provision of waste data, purpose and scope of the Department's annual reporting requirements, yearly additions/amendments and overall poor alignment of waste data and reporting.
- The LGAQ and a number of representative councils met with DES on 21 December 2020 to discuss these escalating concerns.
- Agreement was reached to maintain ongoing discussions and develop a way forward to address these concerns.
- DES will present at the Waste Forum on 15 February 2021 and provide an overview of their new waste data system (data vault) and map out a revised plan of engaging with councils during 2021 and beyond.

LGAQ Waste Forum

- The LGAQ Waste Forum is proposed for 15/16 February 2021 and will be held at the Hilton Hotel, Brisbane. The program was circulated in January 2021.
- The Honourable Meaghan Scanlon MP, Minister for Environment and Great Barrier Reef and Minister for Science and Youth Affairs will give a keynote address at the forum dinner event.

LGAQ Lead Contact for this matter: Robert Ferguson, Lead – Public Health and Waste

10. Trade and Investment update

- Business Launch Pad - The Business Launchpad is a new service that aims to save people in the Queensland communities time and effort when starting and running a small business. Participants [create a guide](#) of licences, permits and other important regulatory information for a business type, gathered from the Federal, Queensland and local governments. Currently, this tool includes information for people starting a business in the Logan City Council and Townsville City Council areas. In the industries of residential construction or food and beverage. The State Government is looking to roll out to other councils. If you would like to know more or be involved, please contact me.
- Small Business Friendly Councils Event – Planned for share council initiatives to support small business. Minister planning to attend. Save the date for April 30th in Brisbane. More details to come at a later date.
- Foreign Relations Bill 2020 - Information session planned for Friday the 19th of February (8:30am – 10:00am). Online event more details to be sent in an EDM to all Mayors and CEOs shortly.

LGAQ Lead Contact for this event: Paul Cranch, Lead – Trade and Investment

11. Tait v Goondiwindi Regional Council [2019] QDC 208

- The appeal made by the Goondiwindi Regional Council against an initial verdict, which ruled a motorcyclist's injuries from a pothole crash were due to council negligence, has been dismissed with the judgement delivered on 5 June 2020. This means the council lost the case on appeal.
- The damages awarded to the plaintiff in the sum of \$304,138.11 from Goondiwindi Regional Council have been upheld.
- The LGAQ believes this sets a dangerous precedent. The LGAQ engaged Bret Walker QC and sought special leave in the High Court of Australia to appeal the decision, however we were unsuccessful in being granted leave to be heard at the High Court level.
- The LGAQ is actively working to find a resolution following the High Court's decision.
- Formal discussions with the Deputy Premier and representatives from the departments of Transport and Justice and Attorney-General began in December and have continued throughout January and February as the LGAQ seeks to achieve an urgent solution that is acceptable to councils.

- We are working with our lawyers to prepare a law reform submission to the State Government, for committee review and legislative amendment.
- The Association will continue to update members on the progress being made.

LGAQ Lead Contact for this matter: Georgia Stafford, Lead – Intergovernmental Relations

12. Awards validity challenge

- There is a current matter involving an individual council before the Queensland Industrial Court which, amongst other issues, will most likely challenge the validity of the existing industrial awards which cover employees in all Queensland councils other than Brisbane City Council.
- Due to the potential for industry wide implications, and with the support of the council that is party to the matter, the LGAQ will be seeking to join this matter as an interested party.
- Regardless of the outcome, the LGAQ remains confident there will be no immediate repercussive effects for councils.
- The LGAQ will however be corresponding with CEOs, seeking information on their specific council arrangements and providing more detail on the particular issue.

LGAQ Lead Contact for this matter: Tony Goode - Workforce Strategy Executive

13. Review of the *Strong and Sustainable Resource Communities Act 2017*

- The consultation report detailing the findings of the post implementation review of the *Strong and Sustainable Resource Communities Act 2017* (SSRC Act) is now available for public comment.
- The report is now open for public comment for a 12-week period with submission due by 5pm 30 April 2021.
- The LGAQ will be preparing a submission and will be seeking members' inputs.

Lead contact for this matter: Lau Chean – Manager Infrastructure, Economics & Regional Development

14. 2021 ROC Assembly

- The 2021 ROC Assembly will be held on 30 & 31 March in Townsville.
- The agenda is being finalised but will focus on building the advocacy partnership between ROCs and the LGAQ.
- ROC Chairs and EOs are invited to attend.

LGAQ Lead Contact for this matter: Shayne Sutton, Manager – Intergovernmental Relations & Special Projects

15. LGAQ Submissions Update

Recent Submissions

- *Queensland River (Rehabilitation) Management Guideline (due 6 November)*
- *National Threatened Species Strategy (due 20 November)*
- *Heavy Vehicle National Law Review (HVNL) Regulatory Impact Statement (RIS) (due 20 November)*
- *Fauna Sensitive Road Design Manual (due 11 December)*
- *Federal Budget Submission (due 29 January)*

Upcoming Submissions

- *Annual Review of Queensland Ombudsman Offices' Strategic Plan (due 5 February)*
- *Discussion paper improving industry engagement and reforming qualifications in Vocational Education and Training (due 1 March)*