

## Economics and Governance Committee

### Report No. 8, 56<sup>th</sup> Parliament

#### Subordinate legislation tabled between 25 October 2017 and 6 March 2018

#### Introduction

##### *Role of the committee*

The Economics and Governance Committee (the committee) is a portfolio committee of the Legislative Assembly.<sup>1</sup> The committee's primary areas of responsibility include:

- Premier and Cabinet, and Trade
- Treasury, and Aboriginal and Torres Strait Islander Partnerships
- Local Government, Racing and Multicultural Affairs.

The committee is responsible for examining each item of subordinate legislation in its portfolio area to consider the policy to be given effect by the legislation, the application of fundamental legislative principles, and the lawfulness of the legislation.<sup>2</sup>

##### *Aim of this report*

This report summarises the committee's examination of subordinate legislation tabled between 25 October 2017 and 6 March 2018. It reports on any identified fundamental legislative principle issues and the explanatory notes' compliance with the *Legislative Standards Act 1992*.

#### Subordinate legislation considered

The committee considered the following subordinate legislation.

SL No.	Subordinate legislation	Tabled date	Disallowance date
013 of 2018	Local Government (Fraser Coast Regional Council - Dismissal of Councillor) Amendment Regulation 2018	6 March 2018	14 June 2018

The objective of the Local Government (Fraser Coast Regional Council - Dismissal of Councillor) Amendment Regulation 2018 is to give effect to the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs' (the Minister) recommendation to the Governor in Council to dismiss Councillor Christopher Loft (Councillor Loft) as mayor and councillor of the Fraser Coast Regional Council (FCRC). Councillor Loft was dismissed at 10am, Friday 16 February 2018.<sup>3</sup>

Under the *Local Government Act 2009* (LG Act) the Minister may recommend that the Governor in Council dismiss a councillor if the Minister reasonably believes the councillor has seriously or continuously breached the local government principles. The Governor in Council may give effect to the recommendation under a regulation.<sup>4</sup>

<sup>1</sup> *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

<sup>2</sup> *Parliament of Queensland Act 2001*, s 93.

<sup>3</sup> Explanatory notes, p 2.

<sup>4</sup> *Local Government Act 2009*, s 122.

The explanatory notes state that in accordance with the requirements of the LG Act, the Minister gave Councillor Loft a written notice on 25 January 2018 of the proposal to dismiss him as mayor and councillor, and advising that he may make a submission about the proposal. Councillor Loft made a submission in response to the written notice on 1 February 2018, and after considering the submission, the Minister considered it 'does not contain reasonable grounds to persuade him not to recommend Councillor Loft's dismissal to the Governor in Council' and decided to recommend he be dismissed.<sup>5</sup> The Local Government (Fraser Coast Regional Council - Dismissal of Councillor) Amendment Regulation 2018 gives effect to the Minister's recommendation to the Governor in Council to dismiss Councillor Loft.

#### *Committee comment*

The committee notes that the regulation potentially breaches the fundamental legislative principles in relation to the requirements that legislation should have sufficient regard to the rights and liberties of individuals and should be consistent with the principles of natural justice.<sup>6</sup>

The committee also notes that the explanatory notes acknowledge this potential breach and provide the following justification:

*Any potential breach of the FLPs is considered justified as Councillor Loft was given written notice by the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs of the proposal to exercise his power to dismiss Councillor Loft as mayor and councillor of the FCRC, in accordance with section 120 of the LGA. The letter stated that any submission Councillor Loft wished to make in relation to the proposed action should be submitted in writing within seven days of the letter.*

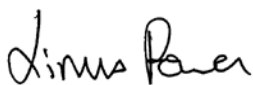
*The Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs regarded that Councillor Loft's submission did not contain reasonable grounds to persuade him not to recommend Councillor Loft's dismissal to the Governor in Council.<sup>7</sup>*

The committee is of the view that appropriate natural justice has been afforded in accordance with the relevant legislation and any breach of fundamental legislative principles is justified.

The committee notes that the explanatory notes tabled with the regulation comply with the requirements of the *Legislative Standards Act 1992*.

## Recommendation

The committee recommends that the Legislative Assembly note this report.



Linus Power MP

**Chair**

### Economics and Governance Committee

<b>Chair:</b>	Linus Power MP, Member for Logan	<b>Contact details</b>	
<b>Deputy Chair:</b>	Ray Stevens MP, Member for Mermaid Beach	Post	Parliament House Brisbane, Queensland, 4000
<b>Members:</b>	Nikki Boyd MP, Member for Pine Rivers	Email:	<a href="mailto:egc@parliament.qld.gov.au">egc@parliament.qld.gov.au</a>
	Sam O'Connor MP, Member for Bonney	Phone:	07 3553 6637
	Dan Purdie MP, Member for Ninderry	Web:	<a href="http://www.parliament.qld.gov.au/egc">www.parliament.qld.gov.au/egc</a>
	Kim Richards MP, Member for Redlands		

<sup>5</sup> Explanatory notes, p 2.

<sup>6</sup> *Legislative Standards Act 1992*, s 4.

<sup>7</sup> Explanatory notes, p 3.