



Queensland

# Local Government (Dissolution of Ipswich City Council) Bill 2018

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**DRAFT BILL**

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**2018**

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**A Bill**

for

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

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**DRAFT BILL**

**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).

*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*

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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 ICC councillors 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) 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.
- (5) If the interim administrator is a corporation, a reference in subsection (4)(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.
- (6) 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.

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- (7) Subsection (8) 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.
- (8) The Minister may appoint a person to act as interim administrator until the Governor in Council appoints a new interim administrator under this section.
- (9) The Minister must publish, by gazette notice, the name of the acting interim administrator.
- (10) The Minister may, in the acting administrator's instrument of appointment, limit the responsibilities and powers of the acting interim administrator.
- (11) In this section—
- interim period* means the period—
- (a) starting when the interim administrator is appointed under subsection (1); and
  - (b) ending at the conclusion of the quadrennial election of councillors for the Ipswich local government area held in 2020.
- relevant LGA provisions* means the following provisions of the *Local Government Act 2009*—
- (a) section 124, other than section 124(1) and (3);
  - (b) chapter 6, part 7;
  - (c) sections 235 and 236(1).

## 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

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(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 Disqualification of ICC councillor

- (1) Despite the *Local Government Act 2009*, section 152, an ICC councillor can not be a councillor at any time during the period—
- (a) starting on the commencement of section 4; and
  - (b) ending at the conclusion of the quadrennial election of councillors for the Ipswich local government area held in 2020.
- (2) Despite the *Local Government Electoral Act 2011*, section 26, an ICC councillor—
- (a) may be nominated as a candidate, or for appointment, as a councillor at the quadrennial election of councillors for a local government area held in 2020; but
  - (b) may not be nominated as a candidate, or for appointment, as a councillor at any other local government election until after the period mentioned in subsection (1) ends.
- (3) In this section—
- candidate*** see the *Local Government Electoral Act 2011*, schedule.

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

## 8 Expiry

This Act expires on 30 June 2020.

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