

5.11. PARTNERS IN GOVERNMENT AGREEMENT

GENERAL MANAGER: Darryl Crees, General Manager Corporate Services
DEPARTMENT: Corporate Services

RECOMMENDATION

That Douglas Shire Council endorses the Partners in Government Agreement and will rely upon this Agreement in dealings with the State Government.

EXECUTIVE SUMMARY

The State Government and the Local Government Association of Queensland (LGAQ) have renewed the Partners in Government Agreement which commits to strengthening the relationship between State Government and councils. LGAQ have encouraged members to table the Agreement at a council meeting and rely upon it in dealings with the State Government.

COMMENT

On 14 October 2015 the Partners in Government Agreement was renewed by the Premier Anastacia Palaszczuk, Deputy Premier and Local Government Minister Jackie Trad, LGAQ President Cr Margaret de Wit and Chief Executive Officer Greg Hallam.

This agreement formalises a set of principles to guide the relationship between the parties and is designed to strengthen the relationship between the State Government and councils. It identifies the roles and responsibilities of each party which include the following key commitments:

- The Premier will meet with the LGAQ on at least a six-monthly basis or more frequently when warranted;
- The Local government Minister will have a minimum of four meetings with the LGAQ policy executive each year;
- The State Government will undertake timely and meaningful engagement on all policy, legislation, strategy and program initiatives where local government has an interest with a minimum consultation period of four weeks, where practicable, to allow the LGAQ to engage meaningfully with its members;
- The State government will seek advice the advice of local government before appointing representatives of the sector to State government bodies;
- The State government will promote awareness of the Agreement amongst all State government departments, ensuring whole of government commitment to the agreed principles; and
- each year, the State government and the LGAQ will prepare a joint report to outline the outcomes achieved, including election commitments, under the agreement. the first of these is due by 31 August 2016.

PROPOSAL

The LGAQ have encouraged member councils to table the Agreement at a Council Meeting and rely upon it in dealings with the State Government.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 4 - Engage, Plan, Partner

4.2.3 - Work with regional, state, national and international stakeholders to promote beneficial partnerships to support strong, resilient and sustainable communities.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Facilitator Bringing people together to develop solutions to problems

ATTACHMENTS

Attachment 1 - Partners in Government Agreement 2015

Partners in Government Agreement

An agreement for the partnership and relationship between the State Government and Local Government in Queensland

State of Queensland

Local Government Association of Queensland on behalf of Queensland local governments

2015

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An electronic copy of this report is available on the Department of Infrastructure, Local Government and Planning's website at www.dilgp.qld.gov.au

Signing page

Signed by the Honourable Anastacia Palaszcuk, MP, Premier and Minister for the Arts and the Honourable Jackie Trad, MP, Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade, for and on behalf of the Queensland State Government.

.....
Anastacia Palaszcuk, MP
Premier and Minister for the Arts

.....
Jackie Trad, MP
Deputy Premier,
Minister for Transport, Minister for
Infrastructure, Local Government and
Planning and Minister for Trade

Signed by Councillor Margaret de Wit, President and by Greg Hallam, PSM, Chief Executive Officer of the Local Government Association of Queensland Ltd. for and on behalf of Queensland Local Governments.

.....
Councillor Margaret de Wit
President of the Local Government
Association of Queensland Ltd.

.....
Greg Hallam, PSM
Chief Executive Officer of the
Local Government Association of
Queensland Ltd.

thisday of 2015.

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An agreement for the partnership and relationship between the State Government and Local Government in Queensland

1. Preamble

Queensland has a long and proud history of local government - the first local governments were already in place at the time that Queensland achieved statehood.

Local government is the level of government closest to the community. Every day it affects the lives of Queenslanders – our local services, where we live, and the look and feel of our communities.

Local government is a genuine partner in the Australian government system. The potential of local government is best realised when the roles and responsibilities of local government are constitutionally recognised.

The Queensland Government values its relationship with local government and specifically the Local Government Association of Queensland (LGAQ), the peak body representing local government in Queensland. The Queensland Government will work in partnership with local government to deliver the economic and employment growth and the public services Queenslanders need.

Formal arrangements to guide the relationship between State and local government have been in place for over a decade. It is the intent of both Parties in executing this Agreement to continue in this tradition of working in genuine partnership to improve the quality of life Queenslanders enjoy. It is also recognised that other agreements covering specific matters may be needed and this Agreement does not limit the capacity of the Parties to enter into such agreements.

2. Objective

The Agreement formalises a set of principles to guide the relationship between the Parties and identifies the roles and responsibilities of each party. It encourages positive and cooperative relations and provides a basis to implement other agreements between the Parties, covering specific services and functions.

3.Principles

3.1 Autonomy

- 3.1.1 Local government should enjoy maximum autonomy and be subject to minimum State intervention.

3.2 Subsidiarity

- 3.2.1 Both Parties agree that responsibility for decisions should rest with the lowest level of government capable of properly doing so.

3.3 Jurisdiction

- 3.3.1 It is recognised that both local government and State Government have legitimate interests and jurisdictional responsibilities.
- 3.3.2 Local governments' legitimate interests and autonomous jurisdiction responsibilities are for the good rule and government of their local areas.
- 3.3.3 The State Government's legitimate interests and jurisdiction responsibilities are for the good rule and government of the entire State. In exercising this jurisdiction the State has the responsibility to set, regulate and enforce appropriate policies and standards for the good of the entire community and which have statewide and regional impacts and implications. In doing so, the State regulates activities and functions which may involve local government. During the development, regulation and enforcement of appropriate community standards, the State will consider the interests of a variety of community sectors, of which local government is an important sector.

3.4 Intervention

- 3.4.1 It is recognised that local governments are ultimately accountable to their electors for their activities.
- 3.4.2 Local government will be subject to minimum intervention from State Government in respect of its legitimate interests and jurisdictional responsibilities (including revenue raising, local laws and land use planning).
- 3.4.3 State Government interest will be only exercised where legitimate State Government interests exist.

3.5 Accountability and governance arrangements

- 3.5.1 Although local governments are accountable to their electors and subject to minimum intervention from the State Government, local governments are subject to oversight by independent bodies including the Queensland Audit Office, Ombudsman, Remuneration and Discipline Tribunal and the Crime and Corruption Commission.

- 3.5.2 The governance arrangements that apply to local government should, where appropriate, be consistent with those applying to the State Government.

3.6 Compliance requirements

- 3.6.1 To ensure that appropriate standards are maintained for the benefit of the entire community, local governments have a responsibility to comply with any applicable legislative, industry or professional requirements.
- 3.6.2 Where local governments enforce community regulatory standards on behalf of the State Government, these standards will be, to the greatest extent possible, performance-based rather than prescriptive to ensure local autonomy, interests and conditions.

3.7 Devolution/delegation of responsibilities

- 3.7.1 The devolution or delegation of new responsibilities, roles and functions to local government should only occur where:
- there has been prior consultation;
 - the financial implications and other impacts on local government are taken into account; and
 - the identification and availability of an ongoing revenue source—e.g. user charges—has been considered.

3.8 Indigenous local governments

- 3.8.1 Within the system of local government in Queensland, Indigenous local governments are respected as local governments in their own right and are recognised as having the same status and responsibilities as non-Indigenous local governments.
- 3.8.2 At the same time, Indigenous local government leaders are recognised as having additional significant social and cultural responsibilities within their communities.

3.9 Funding

- 3.9.1 Local government should endeavour to generate a proper and reasonable level of own source revenue to fulfil their responsibilities.
- 3.9.2 The State Government provides a range of funding programs to local governments. As part of the provision of such funding, the State will seek to develop agreed funding conditions.

3.10 Constitutional Recognition

- 3.10.1 The Queensland Government will maintain the recognition of local government in the Constitution of Queensland and guarantee the continuation of a local government system in Queensland.

4. Roles and responsibilities

4.1 Joint roles and responsibilities

State and local government have the common objective of enhancing the wellbeing of communities throughout Queensland with shared and overlapping jurisdictions.

Under this Agreement both Parties will:

- Seek opportunities to partner and work co-operatively in the development and delivery of State and local government priorities.
- Agree to deliver *Working Queensland*, which is the Government's overarching policy framework for job creation.
- Agree to work together to optimise economic development opportunities for the State and its communities.
- Agree that relations between the Parties should be conducted in a spirit of mutual respect and cooperation with an emphasis on partnership—a commitment to timely and frequent communication and with recognition of each other's roles and responsibilities.
- Where necessary, negotiate specific agreements and alliances in accordance with the intent and principles of this Agreement.
- Commit to achieving the highest levels of good governance and accountability within their respective spheres of interest.
- Agree to work together on the development and implementation of matters including legislative proposals, which affect the interests, roles and responsibilities of the other Party.
- Agree to work together on matters raised by the Australian Government which impact on local governments.

4.2 State Government roles and responsibilities

Under this Agreement the State Government will:

- Undertake timely and meaningful engagement on all policy, legislation, strategy and program initiatives where local government has an interest, with where practicable, a minimum consultation period of four weeks to allow the LGAQ to engage meaningfully with its members.
- Undertake to seek the advice of local government before appointing representatives of the sector to State government bodies.
- Ensure the State has a flexible and responsive system of local government which meets community needs and expectations, and provides fairness and equity for local government employees.
- Promote awareness of the Agreement amongst all State government departments, ensuring whole of government commitment to the agreed principles.

4.3 Local government roles and responsibilities

Under this Agreement, local government will:

- Seek to achieve the highest levels of good governance in line with the local government principles articulated in the *Local Government Act 2009* and the *City of Brisbane Act 2010*.
- Recognise it is responsible for significant community assets and commit to continuous improvement in financial reporting and asset management practices.
- Undertake timely, cooperative, proper and meaningful engagement with the State Government, where practicable, on all matters where the State Government has an interest.

5. Operation and review

This Agreement will remain in operation for three years from the date of signing. Meetings to review the operation of the Agreement may be held as required at the request of the State Government or the LGAQ. Changes may be made from time to time by mutual agreement.

Each party will nominate a Relationship Manager whose role is to be the relevant parties' initial point of contact and co-ordinator of meetings and requests for information. The two Relationship Managers will meet regularly as agreed by the Parties during the term of the Agreement.

The Premier will meet with the LGAQ on at least a six-monthly basis and more frequently as warranted.

The Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade will meet with the LGAQ Executive a minimum of four times per year.

Prior to 31 August of each year, the State Government and LGAQ will prepare a report which discusses the outcomes achieved under this agreement for the year to 30 June. In particular, the report will focus on key outcomes including election commitments and the Government's response to the LGAQ's *Queensland 2015 State Election Local Government Policy Plan*. This report will be certified by the Premier and Minister for the Arts; the Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade; the President of the LGAQ and the Chief Executive Officer of the LGAQ. The first report will be provided by 31 August 2016 for the year to 30 June 2016.