

Module	QLG – GOVERNANCE, ADMINISTRATION AND INTEGRITY
Jurisdictions	QLD
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Module Application

The QUEENSLAND LOCAL GOVERNMENT – GOVERNANCE, ADMINISTRATION AND INTEGRITY module informs Queensland local governments of their legislated legal obligations. The module also demonstrates effective practical advice and assistance to Queensland local governments implementing procedures and processes that will ensure compliance and regulatory accountability throughout all levels of the local government organisation.

To fulfil its purpose the module focuses on providing practical assistance to the Queensland local government intending to establish and maintain a robust foundational framework that determines;

- › How the organisation will function;
- › Who is the responsible decision maker;
- › What matters are relevant to the decision-making process; and
- › Whether the desired outcome has been achieved.

The Queensland local government, their employees and authorised individuals are all expected to be familiar with the broad landscape of legal obligations to which local governments are subject as well as more specific obligations relevant to particular sectors.

The QUEENSLAND LOCAL GOVERNMENT – GOVERNANCE, ADMINISTRATION AND INTEGRITY module should be subscribed by all Queensland local government entities, their employees and authorised individuals. The aim of the module is to equip the subscriber with knowledge of their obligations and the skills they require to establish relevant systems and processes to ensure compliance throughout the local government organisation.

The Queensland local government entity must ensure it is properly constituted and responsibilities and powers exercised in accordance with legislation designed to protect and safeguard the public interest. Day-to-day governance and administration of Queensland local government activities should be accountable, effective, efficient and sustainable and uphold the integrity of the local government as a public governing body.

To meet its obligations, the local government must meet the obligations of all relevant legislation, best practice guidelines and instructions of the Queensland Department of Local Government, Racing and Multicultural Affairs.

The QUEENSLAND LOCAL GOVERNMENT – GOVERNANCE, ADMINISTRATION AND INTEGRITY module assists Queensland local governments to navigate and manage legal responsibilities related to governance, administration and integrity.

The broad scope of the QUEENSLAND LOCAL GOVERNMENT – GOVERNANCE, ADMINISTRATION AND INTEGRITY module is to provide the Queensland local government entity with answers to these questions;

- What are our legal obligations?
- From where are these legal obligations derived?
- How can we ensure that we are complying with our legal obligations? and
- What are the consequences if we do not comply with our legal obligations?

The QUEENSLAND LOCAL GOVERNMENT – GOVERNANCE, ADMINISTRATION AND INTEGRITY module covers all legislated legal obligations of Queensland local government entities and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the implementation and maintenance of best practice processes. The module also covers the role of the regulator and exemptions to the obligations, if applicable, and how they may or may not apply to the Queensland local government entity.

The module fulfils this objective by comprehensively covering three areas;

- › Legislation;
- › Obligations; and
- › Consequences.

1. The legislative and regulatory landscape from which the primary legal obligations are derived;

- › Crime and Corruption Act 2001 (QLD);
- › Criminal Code Act 1899 (QLD);
- › Information Privacy Act 2009 (QLD);
- › Local Government Act 2009 & Regulations 2012 (QLD);
- › Local Government Electoral Act 2011 (QLD);
- › Public Interest Disclosure Act 2010 & Standard 2013 (QLD);
- › Public Sector Ethics Act 1994 (QLD);
- › Public Service Act 2008 (QLD);
- › Public Records Act 2002 (QLD);
- › Right to Information Act 2009 (QLD);
- › District Court of Queensland Act 1967 (QLD);
- › Energy and Water Ombudsman Act 2006 (QLD);
- › Industrial Relations (Tribunals) Rules 2011 (QLD);
- › Industrial Relations Act 2016 & Regulations 2016 (QLD);
- › Ombudsman Act 2001 (QLD);
- › Planning and Environment Court Rules 2018 (QLD);
- › Public Health Act 2005 (QLD);
- › Queensland Civil and Administrative Tribunal Act 2009 (QLD);
- › Supreme Court of Queensland Act 1991 (QLD);
- › Uniform Civil Procedure Rules 1999 (QLD);
- › Electronic Transactions (Queensland) Act 2001 (QLD);
- › Telecommunications (Interception and Access) Act 1979 (Cth);

- › Broadcasting Services Act 1992 (Cth);
- › Spam Act 2003 (Cth);
- › Waste Reduction and Recycling Act 2011 (QLD); and
- › Model Local Law No.7 (Indigenous Community Land Management) 2010.

2. The specific areas where governance, administration and integrity legal and regulatory obligations apply to the Queensland local government entity;

- › Administration;
- › Constitution, responsibilities and powers;
- › Joint local governments;
- › Delegation of powers;
- › Legal matters; and
- › Complaints.
- › Business activities governance;
- › Local laws;
- › Beneficial enterprises;
- › Competitive neutrality;
- › Code of competitive conduct; and
- › Estimated activity statement and activity statement.
- › Indigenous business activities;
- › Trust land; and
- › Community forums.
- › Elections;
- › Conduct;
- › Candidates;
- › Arrangements;
- › Counting votes and notification of results;
- › Disclosures;
- › Advertising; and
- › Caretaker period.
- › Conduct of meetings and committees.
- › Employees;
- › Chief executive officers, authorised persons, councillors, and the mayor;
- › Responsibilities and appointments;
- › Superannuation;
- › Long service leave;
- › Ethics and code of conduct; and
- › Register of interests.
- › Administration and conduct of councillors;
- › Term of office and remuneration;
- › Conduct register;
- › Personal interest; and
- › Inappropriate actions, corruption and misconduct.
- › Integrity;
- › False and misleading information;
- › Corruption, abuse of office, bribery, forgery, and improper influencing;
- › Managing fraud;
- › Lobbying;
- › Powers of the QLD Crime and Corruption Commission;
- › Privilege; and
- › Corruption hearings.

- Procedures for contracting local government activities.
 - Access to information, public record keeping and privacy;
 - Public access;
 - Principles;
 - Investigation;
 - Disclosures;
 - Metadata, electronic documents and communications management; and
 - Security.
 - Disputes and complaints management;
 - Court and administrative actions;
 - Water disputes;
 - Planning and environment;
 - Public health; and
 - Industrial relations.
3. If the Queensland local government has failed to meet its obligations to the community and state it may be required to communicate the failure to affected parties and take every reasonable step to prevent the failure happening again. Failing to uphold governance, administration and integrity obligations may also result in the imposition of significant legal consequences. The penalties that apply to the local government are, in some cases, also applicable to authorised persons of the local government who permitted the offence to occur. Such penalties can include substantial pecuniary penalties as well as criminal penalties such as imprisonment. The range of consequences that may be imposed on an offending local government are discussed in detail in the QUEENSLAND LOCAL GOVERNMENT – GOVERNANCE, ADMINISTRATION AND INTEGRITY module.

The QUEENSLAND LOCAL GOVERNMENT – GOVERNANCE, ADMINISTRATION AND INTEGRITY module does not cover the rights or entitlements of individuals who have suffered damages or losses due to breaches of obligations by Queensland local governments. The module does not cover the process that an entity or an individual would follow to report or seek compensation for the breach or their loss.

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