

A Protocol

Establishing roles and responsibilities
of the State Government and Local Government
in the Queensland System of Local Government



Queensland Government

Department of Local Government, Planning,
Sport and Recreation



LOCAL GOVERNMENT
ASSOCIATION
OF QUEENSLAND INC.

A Protocol establishing roles and responsibilities of the State Government and Local Government in the Queensland System of Local Government

Signed by the Honourable Peter Beattie, MP, Premier and the Honourable Desley Boyle, MP, Minister for Environment, Local Government, Planning and Women, for and on behalf of the Queensland State Government.

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Peter Beattie, MP
Premier

.....
Desley Boyle, MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women

Signed by Councillor Paul Bell, AM, President of the Local Government Association of Queensland (Inc.) and by Greg Hallam, PSM, Executive Director of the Local Government Association of Queensland (Inc.), for and on behalf of Queensland Local Government.

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Councillor Paul Bell, AM
President of the Local Government
Association of Queensland (Inc.)

.....
Greg Hallam, PSM
Executive Director of the Local Government
Association of Queensland (Inc.)

this..... day of2006

In the presence of

.....
Michael Kinnane, Director-General
Department of Local Government, Planning,
Sport and Recreation

Protocol establishing roles and responsibilities of the State Government and Local Government in the Queensland System of Local Government

Preamble

This Protocol recognises that the Queensland State Government and Queensland Local Governments (represented by the Local Government Association of Queensland – (LGAQ)) wish to strengthen the relationship between the two spheres of Government, in order to enhance the wellbeing of communities throughout Queensland. Both levels of Government recognise the ever increasing demands of the community for higher levels of governance and higher service standards.

The Parties wish to establish an ongoing process of negotiation and engagement based on mutual respect and cooperation, acknowledging each other's roles and responsibilities where there is shared jurisdiction. The Protocol is recognised by the Parties as critical to strengthening the relationship between the State Government and Local Government. The relationship will be fostered at both political and administrative levels through commitment by the Parties to regular meetings to discuss issues of mutual interest and to resolve differences.

The State Government recognises that Local Government plays a critical role in community governance as a democratic, accountable and efficient forum for local decision making. Through the *Local Government Act 1993* and the *City of Brisbane Act 1924*, the State Government acknowledges that Local Government requires flexibility and autonomy to provide for the good governance of local communities across Queensland.

Local Government recognises that the State Government is responsible for strategic issues of State interest and for providing coordinated statewide approaches to issues affecting all Queenslanders. This Protocol acknowledges that Local Government should have an opportunity to contribute to the development of State policies and legislation, and the outcomes sought that affect local communities, and the strategies and programs that directly impact on Local Government. It also acknowledges that the State Government should have an opportunity to contribute to the development of LGAQ policies and strategies, where the State Government has an interest.

The Parties recognise that Local Government has a capacity to assist in delivering State priorities at the local and regional level. This will occur through partnerships and strategic alliances developed between the State Government and Local Government. Agency agreements can be negotiated to facilitate such partnerships.

This Protocol commits the Parties to an ongoing process of cooperation and information sharing and to seeking partnership opportunities for delivering:

- the State Government's seven key Priorities, which are: Improving health care and strengthening services to the community; Realising the Smart State through education, skills and innovation; Protecting our children and enhancing community safety; Managing urban growth and building Queensland's regions; Protecting the environment for a sustainable future; Growing a diverse economy and creating jobs; and Delivering responsive government; and
- the LGAQ's vision for Local Government which is: local leadership, open accountable community based Local Government, effective and efficient Local Government, cooperative partnerships with State and Federal Governments and quality people organisations resulting in customer focused service to the people of Queensland.

This Protocol does not limit the autonomy of State Government or Local Government in making decisions that affect local communities across Queensland and does not limit the capacity of the State Government or Local Government to enter into agreements with other parties or Governments.

Section 1 – Purpose

The purpose of this Protocol is to formalise a set of principles for the relationship between the State Government and Local Government. It identifies shared understandings, respective roles, and expectations aimed at providing better outcomes for the community through State Government and Local Government actions.

Section 2 – Rationale

- 2.1 Both Parties agree to establish this Protocol for the following reasons:
 - 2.1.1 Relations between the State Government and Local Government should be conducted in a spirit of mutual respect with an emphasis on partnership and cooperation.
 - 2.1.2 Both Parties benefit from clarifying roles and responsibilities where there is shared jurisdiction.
 - 2.1.3 Both Parties benefit by adopting consistent approaches to the framing of policies, legislation, strategies and programs that affect the jurisdiction of the other Party.
 - 2.1.4 Processes for cooperation and coordination between the State Government and Local Government are essential in the development and implementation of policies, legislation, strategies and programs that affect the jurisdiction of the other Party.
 - 2.1.5 A shared commitment to the implementation of reforms will provide better outcomes for communities.

The Parties agree as follows

Section 3 – Application and interpretation

3.1 Definitions:

3.1.1 “State” means the State of Queensland.

3.1.2 “Local Government” means a Local Government established under the *Local Government Act 1993* or the *City of Brisbane Act 1924*.

3.1.3 “Parties” means Local Government in Queensland, through its peak representative body, the Local Government Association of Queensland (Inc.) whose President and Executive Director are signatories to this Protocol, and the Queensland State Government, through the Premier of Queensland and the Minister for Environment, Local Government, Planning and Women, who are signatories to this Protocol.

3.1.4 “Agency agreement” means any agreement, memorandum of understanding or protocol between one or more State agencies and Local Government (usually represented by the Local Government Association of Queensland or single or multiple Local Governments).

3.1.5 “State agency” means a State Government department or part of a department.

3.1.6 “Engage or engagement” means to establish an ongoing process whereby both parties agree to participate in dialogue, initiatives and/or activities in order to make informed decisions jointly and separately.

3.2 The matters primarily subject to this Protocol are the formulation and implementation of policies, legislation, strategies and programs that affect the jurisdiction of the other Party.

3.3 The Parties to this Protocol acknowledge no claim or dispute made under or in relation to this Protocol or any part thereof shall be justiciable.

3.4 Questions of interpretation of this Protocol are to be raised with the signatories to the Protocol.

Section 4 – Principles for the relationship between the State Government and Local Government

- 4.1 The State Government and Local Government have the common objective of enhancing the wellbeing of communities throughout Queensland.
- 4.2 Both Parties recognise the need for a coordinated whole-of-government approach to issues affecting Local Government and for regular engagement to strengthen the relationship and to negotiate on issues of concern.
- 4.3 Relations between the State Government and Local Government should be conducted in a spirit of mutual respect and cooperation, with recognition of each other's roles and responsibilities.
- 4.4 State Government policies, legislation, strategies and programs that affect the jurisdiction of Local Government should have regard to the following principles:
 - 4.4.1 Maximised autonomy and flexibility for Local Government balanced by openness, transparency and accountability.
 - 4.4.2 Efficiency and effectiveness in the exercise by Local Government of its jurisdiction.
 - 4.4.3 A focus on outcomes in setting policy, strategy or program objectives which address community needs and expectations.
 - 4.4.4 Achieving the highest levels of accountability and good governance.
- 4.5 Local Government policies and legislation that affect the jurisdiction of the State Government should have regard to the State Government's seven key Priorities, which are: Improving health care and strengthening services to the community; Realising the Smart State through education, skills and innovation; Protecting our children and enhancing community safety; Managing urban growth and building Queensland's regions; Protecting the environment for a sustainable future; Growing a diverse economy and creating jobs; and Delivering responsive government.
- 4.6 The Parties will seek partnership opportunities to deliver on State Government and Local Government priorities.
- 4.7 The Parties recognise the objectives of the system of Local Government are:
 - 4.7.1 To provide a legislative framework for a democratic, effective, efficient and accountable system of Local Government.
 - 4.7.2 To establish a jurisdiction of Local Government which allows a Local Government to take autonomous responsibility for the good rule and government of its area.
 - 4.7.3 To provide for appropriate levels of community engagement with an emphasis on performance and accountability.

Section 5 – Responsibilities and interests

5.1 Responsibilities and interests of both Parties:

- 5.1.1 Recognise the implications of shared and overlapping jurisdictions and the consequent need to operate cooperatively and, where necessary, to negotiate agency agreements.
- 5.1.2 Agree to regular engagement on the formulation and implementation of policies, legislation, strategies and programs which affect the jurisdiction of the other Party, and to negotiate on issues of concern.
- 5.1.3 Undertake to engage on matters raised by the Commonwealth which impact on Local Government, or on the State Government's jurisdiction with respect to Local Government.

5.2 Responsibilities and interests of the State Government:

- 5.2.1 In accordance with the *Constitution of Queensland Act 2001* the State Government will continue to provide for a system of Local Government under which Local Governments are constituted and democratically elected.
- 5.2.2 Provide a legislative framework which is flexible and responsive to community needs and expectations and which has regard to the circumstances of Local Government.
- 5.2.3 Coordinate State Government reforms through a whole-of-government approach to issues affecting Local Government.
- 5.2.4 Undertake timely, cooperative, proper and meaningful engagement on all policy, legislation, strategy and program initiatives affecting Local Government, where practicable.
- 5.2.5 Consider and engage with Local Government regarding financial and other resourcing implications, that flow from policy or legislative changes that could result in additional functions and responsibilities for Local Government.
- 5.2.6 Engage with Local Government, in the first instance, primarily through the Local Government Association of Queensland, as the body representing Local Government in the State, in formulating statewide policy initiatives, strategies and programs affecting Local Government.

5.3 Responsibilities and interests of Local Government:

- 5.3.1 In accordance with the provisions of the *Local Government Act 1993* and the *City of Brisbane Act 1924*, Local Government will seek to achieve the highest levels of good governance of local communities across the State.
- 5.3.2 Recognise that the autonomy Local Government enjoys carries with it an equal requirement to be transparent in, and accountable, for its actions.
- 5.3.3 Local Government commits to recognise the State Government's interest in matters of consequence to its jurisdiction and the need for shared government actions on matters of consequence to both jurisdictions.
- 5.3.4 Local Government agrees to work in a cooperative manner with respect to issues of mutual interest to both the State Government and Local Government.
- 5.3.5 Undertake timely, cooperative, proper and meaningful engagement with the State Government, where practicable, on all policy initiatives and strategies where the State Government has an interest.

Section 6 – Implementation

- 6.1 The Parties agree to pursue the intent of this Protocol in a spirit of cooperation and to maintain regular contact to promote its effective implementation.
- 6.2 Implementation of this Protocol and resolution of contentious issues should occur primarily at the State agency or Local Government level, that is, at the level where policy, legislation, strategy or program initiatives, or any other negotiation that may be subject to this Protocol, take place.
- 6.3 The Minister for Environment, Local Government, Planning and Women and the President of the Local Government Association of Queensland (Inc.) should be consulted regarding any unresolved issues of importance to the State Government and Local Government.
- 6.4 The Parties agree to monitor the implementation of this Protocol and, where necessary, consult with Local Governments and State agencies.
- 6.5 The Parties agree to hold two meetings per year between the Premier and senior Ministers with the LGAQ President and other Office Bearers to discuss issues relating to:
- the implementation of the protocol;
 - monitoring the relationships between the two spheres of government;
 - monitoring progress towards resolution of relationship issues that have been identified by either party;
 - identifying key issues that are priorities and/or significant to either party;
 - providing feedback on the contribution of each sphere on matters of mutual interest/importance; and
 - exploring opportunities for joint collaboration in resolving matters impacting on Queensland within the Federal jurisdiction.
- 6.6 The Parties agree to the holding of regular meetings of senior officials of the State Government and LGAQ to provide input to and support outcomes from the meetings identified in clause 6.5.
- 6.7 The Parties undertake to report annually on the implementation of this Protocol. In this regard, the Minister for Environment, Local Government, Planning and Women will report to the Cabinet and present an annual statement to Parliament. The LGAQ President will report to the Association's Annual Conference.
- 6.8 All agency agreements established between the State Government and Local Government from the date of this Protocol, will be consistent with the intent and principles of this Protocol.
- 6.9 The Parties agree to:
- promote awareness of this Protocol across the State Government and Local Government and the consistency of agency agreements with this Protocol;
 - establish and maintain systems and processes to facilitate monitoring and reporting on the implementation of this Protocol; and
 - promote awareness of the principles of engagement across the State Government and Local Government through training and skills development.

Section 7 – Review

- 7.1 The operation of this Protocol will be reviewed after three years or at any other time as appropriate, by the Minister for Environment, Local Government, Planning and Women and the President of the Local Government Association of Queensland (Inc.).
- 7.2 Amendments may be made to the Protocol if agreed to by the Minister for Environment, Local Government, Planning and Women and the President of the Local Government Association of Queensland (Inc.).
- 7.3 Where the Parties agree to amend the Protocol, relevant Local Government and State agencies will be consulted beforehand.