



Hon David Crisafulli MP
Minister for Local Government

Our ref: MC12/3027

Your ref: 10.4 Petitions

Level 18 Mineral House
41 George Street Brisbane
PO Box 15031 City East
Queensland 4002 Australia
Telephone +61 7 3234 1870
Facsimile +61 7 3012 8901
Email localgovt@ministerial.qld.gov.au

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Corner Alice and George Streets
Brisbane QLD 4000

Dear Mr Laurie

Thank you for your letter of 24 August 2012 enclosing a copy of petition 1954-12 received by the Queensland Legislative Assembly on 22 August 2012.

This petition is seeking government support to amend the *Local Government Electoral Act 2011* (the Electoral Act) to allow for a by-election for the position of councillor within Division 6 of the Tablelands Regional Council.

By way of background, no nominations were received for this position within Council in the lead up to the 2012 local government elections. In line with existing requirements under the Electoral Act, this vacancy could only be filled by Governor in Council appointment. This process resulted in the appointment of Ms Marjorie Pagani on 12 July 2012 as a suitably qualified person to fill the role as councillor and represent constituents within Division 6 of the Tablelands local government area. It is important to note that the appointment by Governor in Council was informed by advice provided by Tablelands Regional Council. I understand that 52 people indicated interest in filling the position when the Council called for expressions of interest. Council also interviewed potential nominees following the expression of interest.

Although concerns with this process have been raised by the petitioners, Councillor Pagani is taken to have been properly elected as a councillor under section 34(4) of the Electoral Act.

The government acknowledges the concerns raised by the Tablelands community and is currently reviewing legislative options with a view to improving the conduct of future elections. This includes exploring options to provide for an equitable and more appropriate process to fill future councillor vacancies in instances where no nominations or insufficient nominations are received.

With this in mind, the *Local Government and Other Legislation Amendment Bill 2012* was tabled in Parliament on 13 September 2012. In this Bill, the Government is proposing to amend the Electoral Act to require that a by-election be held where insufficient nominations have been received for future local government elections. Should no nominations be received during the by-election period, it is intended that the Governor-in-Council can then appoint a suitably qualified person to fill the vacant councillor position. A copy of the Bill and proposed amendments can be viewed at www.legislation.qld.gov.au.

If you require any further information, please contact Max Barrie, Acting Director, Program Implementation and Reviews, on 3404 3691 or max.barrie@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink that reads "David Crisafulli". The signature is written in a cursive, flowing style with a prominent flourish at the end.

David Crisafulli MP
Minister for Local Government