



**Hon Steven Miles MP**  
Deputy Premier  
Minister for State Development, Infrastructure,  
Local Government and Planning  
Minister Assisting the Premier on Olympics Infrastructure

Our ref: OUT22/3565

Your ref: A937431

**16 SEP 2022**

Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
Corner of Alice and George Streets  
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Dear Mr Laurie

Thank you for your letter of 31 August 2022 regarding petition 3757-22 received by the Queensland Legislative Assembly on 30 August 2022 about local government councillors nominating as candidates for higher office.

The petitioners have requested legislative amendments to require councillors to resign prior to running for higher office.

It is not possible for the Queensland Parliament to require councillors to resign prior to running for Australian Parliament because the Queensland Court of Appeal ruled in *Local Government Association of Queensland (Inc) v. State of Queensland* [2001] QCA 517 that a legislative requirement for councillors to resign to nominate as a candidate at federal elections was invalid, because it was inconsistent with the *Commonwealth Electoral Act 1918* (Cwlth).

Section 160B of the *Local Government Act 2009* (LGA) requires that a councillor who nominates as a candidate for the Queensland Legislative Assembly must take leave without pay for the duration of the election period. When this was considered in 2019, it was determined that the LGA should not require a councillor to resign upon nomination as a candidate for the Legislative Assembly to save ratepayers the cost of a by-election if the councillor is not elected as a Member of Parliament.

I would like to thank the petitioners for raising this matter with me and I trust this information is of assistance.

Yours sincerely

**STEVEN MILES MP**  
**DEPUTY PREMIER**  
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