



Local Government

Capability statement

2022



Introduction



WHO ARE WE?

Pre-eminent law firm – Holding Redlich has grown over 40 years into one of Australia's leading law firms

Specialist experience – We offer specialists who are experts within your sector and a reputation envied by our competitors

Competitive fee structure – We deliver practical and cost effective commercial advice

WHAT WE BRING TO THE TABLE?

Accessible and responsive – We are structured to ensure that clients have access to key team members as and when they require assistance

Competitive fee structure – We pride ourselves on delivering value for money and we offer flexible fee structures which are unparalleled within the legal market

Safe pair of hands – We manage our client's most difficult and important matters, whilst delivering reliable and trustworthy results



UNDERSTANDING QUEENSLAND LOCAL GOVERNMENT

Our understanding of the legislative, policy, ethical and financial frameworks within which you operate is gained from our significant and lengthy experience acting for Queensland Local Governments, Queensland Government departments and statutory bodies. Many of our senior lawyers have previously worked in Government or served on Government owned or associated bodies and boards.

SERVICING METROPOLITAN AND REGIONAL QUEENSLAND

We are the largest commercial law firm in Queensland to have a significant regional presence with offices in both Brisbane and Cairns. Our local knowledge and experience means we understand the unique operating environment of Regional Queensland. Our lawyers in both offices are accustomed to travelling to meet with clients and stakeholders, ensuring we deliver an effective service from south east Queensland up to the PNG border.

ALLIANCE WITH REGIONAL QUEENSLAND

Holding Redlich also has an alliance with Marrawah Law – Australia's largest independently owned Indigenous law firm, and a Supply Nation-certified Indigenous-owned, controlled and managed company. We share legal knowledge, resources and secondment opportunities for Marrawah Law's staff to advance their legal expertise.

If you have any questions, please do not hesitate to contact **Jenny Humphris** on +61 7 3135 0690 or jenny.humphris@holdingredlich.com for further information.

Kind regards,



Jenny Humphris
Partner



Holding Redlich's local government group has the expertise and depth of experience to provide high quality legal services to local government



Our experience in representing more than 65 regional and metropolitan local governments nationwide has earned us a strong reputation as a leading local government law firm that delivers excellent results.

LEGAL EXPERTISE

We understand the unique challenges and opportunities that local governments are presented with and recognise that, in order to balance the needs of residents and stakeholders with the priorities and legal requirements of local government, a high degree of expertise and engagement is required.

We also understand that each local government is different. We work collaboratively with our local government clients to deliver pragmatic and effective advice and solutions that is tailored to support the strategy and objectives of the local government and the communities where these local government deliver their services.

We are appointed to the legal services panels for the Queensland State government, Local Buy, Procurement Australia and the Municipal Association of Victoria, as well as many local governments nationally. We are also actively involved with the following industry associations: Local Government Managers Association of Queensland, Local Government Professionals, Planning Institute of Australia, Local Government Association of Queensland, and Urban Development Institute of Australia.

Local government advisory

Our local government advisory team comprises lawyers who have not only acted for government as legal advisors, but have also worked within government. They are adept in providing strategically focussed practical legal advice on governance, regulatory, legislative and operational issues that affect local governments' daily business, and have a practical insight into the challenges and opportunities that local government face including those in some of the most remote locations in Australia.

Our experience includes:

- advising on a range of governance, regulatory and legislative issues including with respect to local government powers and responsibilities under the relevant Acts and Regulations and particularly in relation to the recent Belcarra reforms
- commercialisation, incorporation and beneficial enterprises
- contracts, procurement and probity
- all property related transaction including dealing with State land
- planning, development and environment advisory including waste and infrastructure

"Our expertise and knowledge is sought by councils in the delivery of legal services across all aspects of their operations."



charges, compliance, Planning and Environment Court appeals applications and prosecutions; Magistrates Court prosecutions

- drafting and enforcing local laws
- providing advice on the setting and recovery of rates, charges and fees
- providing on-call advice and guidance during elections, including with respect to electoral advertising and eligibility of candidates
- advising on valuation issues and appeals
- privacy, cyber security, data breach planning, investigation and response
- workplace investigations, complaints and referrals to the Crime and Corruption Commission and Office of the Independent Assessor
- responding to regulator investigations and enquiries
- preparation of instruments of delegation and authorised person appointments
- assisting officers to respond to Right to Information requests and to comply with privacy legislation.

In addition, our team has appeared in many important cases where government decision-making has been challenged, including in judicial review proceedings and merit reviews.

Property law, State dealings, land acquisition, resumption and compensation

Holding Redlich's deep knowledge of property and development law is gained through years of acting for local government, state and federal government and private sector clients across the



entire spectrum of property and development matters.

Our Property & Real Estate team is closely integrated with other practice areas, including Planning, Environment & Sustainability, Native Title & Cultural Heritage, Construction & Infrastructure and Dispute Resolution & Litigation, ensuring all property related matters are managed in a seamless manner.

Our experience includes:

- advising local government clients on the interaction between rights and restrictions imposed on operational and community land, together with the ability to develop and grant easements, covenants, licences and other rights in connection with such land
- drafting and negotiating retail and commercial leases and telecommunications leases and licences as well as the licenses relating to operational and community land
- advising on compliance with compulsory acquisition processes
- completing acquisitions and disposals of residential, retail and commercial properties
- undertaking due diligence in connection with both the acquisition and disposal of assets
- advising on the subdivision of land including drafting easements, covenants, by-laws and management statements as well as the release and extinguishment of redundant easements and covenants
- advising on and drafting complex titling, management and governance documents in relation to strata schemes, community schemes and other tiered governance schemes – including how the different structures will allow government to achieve its community focussed goals for specific sites
- negotiating co-ownership agreements, development agreements, project delivery agreements, joint venture agreements and other co-development arrangements
- advising on all other matters connected with the development of land
- advising on matters involving adverse possession of land, protection and defence against interests created by trust, compensation for compulsory purchase, and contested valuations for land tax and rating purposes.



Planning and environment law

Holding Redlich's strong track record working with local government clients and advising on all areas of planning and environmental law means we have a thorough understanding of the relevant planning law frameworks across each state, as well as the many other pieces of environmental and heritage legislation. Our knowledge and experience helps local governments to carry out their statutory functions and continue playing their important role in the community.

In addition to acting for local government, we work with government at the federal and state levels, as well as energy, waste and water utility providers. A number of our team members have worked in the in-house legal teams in public and private organisations, as well as local councils and government agencies, and some team members have a planning or environmental science qualification in addition to their legal qualification. This culmination of experience provides a distinct advantage in servicing and understanding the needs of local government. Our experience includes:

- development contributions and planning agreements
- environmental licensing
- vegetation clearing and offsets
- water entitlements
- infrastructure conditioning and agreements
- contaminated land
- environmental laws, including biodiversity conservation legislation, environmental regulation, waste management and contamination
- compulsory acquisition
- Aboriginal and Torres Strait Islander Cultural Heritage and European Cultural Heritage advice
- litigious matters relating to development appeals, judicial review and planning/ environmental prosecutions.

Native title and Indigenous cultural heritage

Holding Redlich's native title and Indigenous cultural heritage team has a combined 50 plus years' experience representing local governments, government corporations, developers, pastoral holders and other public and private entities as respondent parties to native



title claims. We also advise local government on the implications of native title on local government interests and compliance with the Aboriginal cultural heritage duty of care guidelines.

We regularly facilitate training for local government clients on legal compliance obligations and requirements when delivering infrastructure and projects, undertaking State land dealings and undertaking other activities which have the potential to impact upon native title or Aboriginal or Torres Strait Islander cultural heritage.

Our experience includes:

- joining and representing councils in Federal Court hearings, case management, mediation and other dispute resolution forums
- providing technical and strategic advice on how best to protect and preserve local government interests as part of the resolution of native title claims
- negotiating terms of Consent Determination Orders to recognise and protect the local government interests and to resolve the relationship between the exercise of native title and the local government interests in the claim area
- where consent cannot be achieved, representing councils in contested hearings in the Federal Court
- advising local governments on the effect that native title has on their interests in the claim area, including tenure, regulatory and statutory interests held under relevant legislation





- negotiating and drafting Indigenous Land Use Agreements to ensure they provide the best possible protection to local governments and are in a registerable form
- providing advice on extinguishment of native title on the basis of “previous exclusive possession acts” under the Native Title Act 1993 (NTA) by a prior inconsistent tenure or public works
- liaising with relevant State Government, Land Councils and other parties
- preparing Future Act notices in compliance with s 24 of the NTA
- assisting councils to compulsorily acquire native title under s 24M of the NTA
- commencing Non-Claimant Applications where native title claims do not exist under s 61 of the NTA
- liaising with Native Title Parties and Land Councils, drafting and serving notices and assisting Councils to respond to comments and queries that may arise in relation to notices.
- advice on award and industrial agreement interpretation
- concluding employee employment
- disciplinary processes
- reinstatement applications
- recovery of overpayment of wages
- employee entitlements
- workplace traffic risk management
- how to best enforce drug and alcohol policies
- safety systems when working with electricity
- waste management, including safety issues associated with unlawful dumping of asbestos and asbestos removal
- professional standards, professional registration, Working With Children checks, “Blue Cards / Yellow Cards”
- unfair dismissal and adverse action claims
- representing respondents and witnesses in Crime and Corruption Commission investigations, including objections and dealing with subsequent charges arising out of professional duties
- anti-discrimination complaints, workplace and sexual harassment complaints including investigation and defending legal claims
- workplace misconduct and employee complaint investigations
- work-related criminal charges against professionals
- workers' compensation claims arising out of professional duties.

Workplace relations and safety

Our team regularly advises councils on a broad range of employment and industrial matters, which ensures we have a thorough understanding of the specific complex regulatory and policy framework surrounding industrial relations law for councils. Our advice assists local government clients to reduce legal risks associated with human resource management, including employment relationships and minimising public and media scrutiny in litigated matters.

We advise councils on all aspects of work health and safety issues, including on the interpretation and application of WHS regulations, the implementation of effective WHS systems as well as acting for clients who are subject to investigations, prosecutions and coronial inquests arising out of WHS incidents. We also advise councils in respect of insurance premium disputes and audits with workers compensation insurers and regulators.

Our experience includes:

- drafting contracts of employment for CEOs and executives
- advice on delegated authority for council CEOs and other executive officers





Construction and infrastructure

Holding Redlich's Construction & Infrastructure Group advises industry participants at all levels in relation to every aspect of projects, from inception through the project delivery phase to completion, and any disputes that may arise subsequent to completion.

We work closely with councils to facilitate growth and new facilities in their regions, whilst effectively managing contractual and commercial risk and avoiding, minimising and resolving disputes. Our industry experience and expertise ensures that at all times the local governments we act for receive practical and solution-based assistance relevant to their objectives and the particular project.

Our experience includes:

- preparing contract documents including drafting and negotiating terms and conditions of contract (both bespoke and on the basis of the Australian Standards) and assisting with the review of tender responses
- reviewing contracts, advising on risks and preparing responses including alternative drafting
- advising on how to prepare, or to best respond to, contractual claims including claims for variations, latent conditions, extensions of time and delay costs
- assisting with the preparation of documents to resolve disputes early in accordance with the contract, responding to notices of dispute under the contract and assisting with the early resolution of claims whether by mediation or another form of expert determination



- assisting contract administration, including advising on the content of contractual correspondence, assisting with the preparation of certificates and general advice during the life of the project
- running substantively complicated litigation and arbitration matters if early resolution or alternative dispute resolution is unsuccessful.

Our team are recognised industry leaders in relation to security of payment matters with extensive experience acting on behalf of claimants and respondents in large claims made pursuant to the various Security of Payment Acts.

Probity and procurement

Our experienced team assists local and state government to ensure the highest probity and integrity in the procurement process. We provide advice on inviting and evaluating tenders and expressions of interest for the acquisition and disposal of assets and services. Our procurement team has extensive experience in drafting tender documentation including invitations, requests, specifications and conditions of contract compliant with the relevant Acts and Regulations.

Our advice will ensure that your procurement processes are considered, compliant and undertaken in a practical way that minimises your risk, maximises opportunities and meets your objectives. We also assist councils in the occasional event of administrative challenges to tender processes.

We have a track record of proactive guidance, such that decisions or projects that might otherwise have been susceptible to cancellation, public backlash or abandonment through poor decision making or a lack of appreciation of the probity compliant options that are available, have successfully continued and the process upheld under our close management and probity advice.

Water, waste, recycling and waste to energy

We know that water is a precious resource that must be managed carefully. Our team regularly works with water and wastewater distributor-retailers, councils, state government departments and agencies to provide legal services that support the protection of water/wastewater assets, water quality and quantity over the long term. We provide a holistic service by leveraging our knowledge of the relevant legislative frameworks and combining our experience in planning, environmental and property law to





deliver practical outcomes for stakeholders.

Advancing a zero-waste future and the transition to a circular economy is paramount for local government. This will necessarily involve the delivery by local governments of carbon neutral waste solutions. Holding Redlich applies its broad understanding of the commercial development and operation of waste management and recycling facilities to support councils to reduce waste sent to landfill, increase organic waste recovery, deliver community, environment and economic benefits, and plan for a growing population.

Litigation and debt recovery

Our national dispute resolution and litigation team has a strong record of acting in a diverse range of disputes and inquiries, representing clients traversing government and statutory authorities, corporations, partnerships and individuals.

We represent local government in the most complex commercial litigation through to assisting with the collection of outstanding rates, charges and other debts. We have extensive experience in representing clients in Commissions of Inquiry and investigations, as well as broad scale litigation involving statutory interpretation, governmental grants, issues of delegation of authority and questions of admissibility of a Minister's second reading speech. We also represent councils in enforcement proceedings and in all dispute resolution forums including mediation and arbitration.

We are acutely aware of the potential for publicity arising from disputes, and we commonly work with internal and external media advisers to ensure that our client's message is consistent with its public persona and the dispute strategy.



Meet our team


Jenny Humphris

Partner *Queensland*

T +61 7 3135 0690

jenny.humphris@holdingredlich.com

Areas of law: Native Title, Aboriginal and Torres Strait Islander Cultural Heritage, State Land


Toby Boys

Partner *Queensland*

T +61 7 3135 0649

toby.boys@holdingredlich.com

Areas of law: Dispute Resolution & Litigation, Competition & Consumer Law, Intellectual Property, Startups & Emerging Enterprises


Edmund Burke

Partner *Queensland*

T +61 7 3135 0686

edmund.burke@holdingredlich.com

Areas of law: Workplace Relations & Safety


Rachel Drew

Partner *Queensland*

T +61 7 3135 0617

rachel.drew@holdingredlich.com

Areas of law: Workplace Relations & Safety, Immigration Law


Joanne Jary

Special Counsel *Queensland*

T +61 7 3135 0681

joanne.jary@holdingredlich.com

Areas of law: Dispute Resolution & Litigation, Administrative Law, Government, Competition & Consumer Law, Regulatory, Data & Privacy


Carl Hinze

Partner *Queensland*

T +61 7 3135 0630

carl.hinze@holdingredlich.com

Areas of law: Corporate & Commercial, Mergers & Acquisitions, Startups & Emerging Enterprises


Andrew Hynd

Partner *Queensland*

T +61 7 3135 0642

andrew.hynd@holdingredlich.com

Areas of law: Corporate & Commercial, Technology, Media & Telecommunications


Vanessa Maruna

Partner *Queensland*

T +61 7 4230 0402

vanessa.maruna@holdingredlich.com

Areas of law: Planning, Environment & Sustainability


Peter Nugent

Partner *Queensland*

T +61 7 3135 0632

peter.nugent@holdingredlich.com

Areas of law: Property, Planning & Development


Marguerite Xavier

Partner *Queensland*

T +61 7 3135 0672

marguerite.xavier@holdingredlich.com

Areas of law: Disputes Resolution & Litigation


Sonia Mortimer

Special Counsel *Queensland*

T +61 7 3135 0638

sonia.mortimer@holdingredlich.com

Areas of law: Planning, Environment & Sustainability



About Holding Redlich

Holding Redlich's reputation for delivering excellent results for our clients has developed over 40 years.

Holding Redlich is a large commercial law firm committed to providing innovative commercial legal advice utilising our resources and expertise of more than 500 staff, including over 200 lawyers and 70 partners, across offices in Brisbane, Cairns, Melbourne, Canberra and Sydney.

We act for a number of Australia's largest public and private companies, addressing some of their most complex and important business issues.

We provide our clients with legal, commercial and strategic solutions founded on our legal and industry experience.

Holding Redlich's industry focus means that our people are connected to their clients and the communities in which they live and work, with strong political, commercial and cultural networks.

We maintain our reputation as one of Australia's leading law firms across various key areas of practice, including:

- Administrative Law
- Competition & Consumer Law
- Construction, Infrastructure & Projects
- Corporate & Commercial Law
- Corporate Restructuring & Insolvency
- Data & Privacy
- Dispute Resolution & Litigation
- Finance
- Immigration Law
- Intellectual Property
- Local Government
- Mergers & Acquisitions
- Native Title & Indigenous Heritage
- Planning, Environment & Sustainability
- Private Client Practice
- Procurement
- Pro Bono
- Property, Planning & Development
- Regulatory
- Royal Commissions & Commissions of Inquiry
- Taxation
- Trade Mark & Brand Management
- Workplace Relations & Safety
- Workplace Relations for Employees.

In addition, our people have extensive knowledge of, and experience working in, the following industries:

- Agribusiness
- Construction, Infrastructure & Projects
- Government
- Property, Planning & Development
- Renewable Energy
- Startups & Emerging Enterprises
- Superannuation, Funds Management & Financial Services
- Technology, Media & TelcCommunications
- Transport, Shipping & Logistics.





CONTACT US	BRISBANE	CAIRNS	MELBOURNE	CANBERRA	SYDNEY
	Level 1 300 Queen St Brisbane QLD 4000 GPO Box 490 Brisbane QLD 4001 T +61 7 3135 0500	Level 1 Cairns Corporate Tower 15 Lake St Cairns QLD 4870 PO Box 4766 Cairns QLD 4870 T +61 7 4230 0400	Level 8 555 Bourke St Melbourne VIC 3000 GPO Box 2154 Melbourne VIC 3001 T +61 3 9321 9999	Level 7 Canberra House 40 Marcus Clarke St Canberra ACT 2601 PO Box 1568 Canberra ACT 2601 T +61 2 5115 1600	Level 65 25 Martin Place (formerly MLC Centre) Sydney NSW 2000 GPO Box 4118 Sydney NSW 2001 T +61 2 8083 0388