



Queensland

Local Government Act 1993

Local Government Regulation 2005

Reprinted as in force on 1 December 2009

Reprint No. 3C

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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[as amended by all amendments that commenced on or before 1 December 2009]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Local Government Regulation 2005*.

2 Commencement

This regulation commences on 1 July 2005.

3 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

4 Prescribed pensions for meaning of *pensioner*

Each pension under a Commonwealth law is prescribed for the schedule, definition *pensioner*, of the Act.

5 State interest

For the schedule, definition *State interest*, paragraph (c), of the Act, an interest is the distribution of how-to-vote cards.

6 Department's address

For the schedule, definition *State office*, of the Act, the department's address is—

Local Government Services
Department of Local Government, Planning, Sport and
Recreation
Level 17 Mineral House
41 George Street
BRISBANE Q 4000.

Part 2 The local government system

7 Criteria for regions, cities and towns—Act, s 18

- (1) The criteria for a local government area to be declared a region are—
 - (a) the area is created as a result of the amalgamation of 2 or more local government areas of any class; and
 - (b) the area does not meet the criteria for being declared a city or the criterion for being declared a town.
- (2) The criteria for a local government area to be declared a city are—
 - (a) the area must be the centre of a region providing commercial, industrial, health and public sector services for the region; and
 - (b) the area must, for the 3 years immediately before the declaration, have had—
 - (i) a population of at least 25000; and
 - (ii) a population of at least 15000 in its urban centre; and
 - (iii) a population density of at least 150 for each square kilometre of its urban centre.
- (3) The criterion for a local government area to be declared a town is that the area must be urban in character.

Example of an area that is urban in character—

An area may be mainly used for commercial and residential purposes. It would be urban in character even though some minor parts of the area are used for rural purposes.

Part 3 Interaction with the State

Division 1 Reviewable local government matters

Subdivision 1 Preliminary

8 Definitions for div 1

In this division—

class change issue see section 9.

community of interest issue see section 10.

divisional boundaries issue see section 11.

joint arrangement includes the following—

- (a) a joint standing committee;
- (b) joint action by agreement;
- (c) the joint exercise of local government jurisdiction or the joint operation of a facility, service or activity;
- (d) an agreement on, or extension of, a facility, service or activity outside a local government area;
- (e) a contribution for the operation of a facility, service or activity outside a local government area;
- (f) resource sharing by local governments;
- (g) a joint local government;

- (h) any other type of arrangement of a joint nature the commissioner considers appropriate, including an arrangement not dealt with under the Act.

joint arrangements issue see section 12.

planning issue see section 13.

resource base sufficiency issue see section 14.

water catchment principle means the principle that water catchment areas should generally be included in the local government area they service.

9 Meaning of *class change issue*

The *class change issue* is that regard should be had to the criteria prescribed under section 7 for section 18¹ of the Act.

10 Meaning of *community of interest issue*

The *community of interest issue* is that the external boundaries of a local government area should be drawn in a way that has regard to community of interest, including that the local government area should generally—

- (a) reflect local communities, for example, the geographical pattern of human activities (where people live, work and engage in leisure activities), and the linkages between local communities; and
- (b) have a centre, or centres, of administration and service easily accessible to its population; and
- (c) ensure effective elected representation for residents and ratepayers; and
- (d) have external boundaries that—
 - (i) do not divide local neighbourhoods or adjacent rural and urban areas with common interests or interdependencies, including, for example,

¹ Section 7 (Criteria for regions, cities and towns—Act, s 18) prescribes criteria under section 18 (Declaration of classes of local government areas) of the Act.

economic, cultural and ethnic interests or interdependencies; and

- (ii) subject to the water catchment principle—follow the natural geographical features and non-natural features separating different communities; and
- (iii) do not dissect properties.

11 Meaning of *divisional boundaries issue*

The *divisional boundaries issue* is that the boundaries of the divisions of a local government area should be drawn in a way that has regard to the following—

- (a) community and diversity of interest;
- (b) ways of communication;
- (c) physical features;
- (d) population density;
- (e) demographic trends;
- (f) development trends.

12 Meaning of *joint arrangements issue*

The *joint arrangements issue* is that regard should be had to whether or not a joint arrangement should be established instead of, or in combination with, a change to the external boundaries of a local government area.

13 Meaning of *planning issue*

The *planning issue* is that the external boundaries of a local government area should be drawn in a way that—

- (a) helps in—
 - (i) the planning and development for the benefit of the local government area; and
 - (ii) the efficient and effective operation of its facilities, services and activities; and
- (b) has regard to existing and expected population growth.

14 Meaning of *resource base sufficiency issue*

The *resource base sufficiency issue* is that a local government should have a sufficient resource base—

- (a) to be able to exercise efficiently and effectively its jurisdiction and operate facilities, services and activities; and
- (b) to be flexible and responsive in the exercise of its jurisdiction and the operation of its facilities, services and activities.

Subdivision 2 Prescribed issues**15 Prescribed issues—Act, s 84**

For section 84(1) of the Act, the issues are each of the following—

- (a) if the reviewable local government matter relates to the external boundaries of a local government area—
 - (i) resource base sufficiency issue; and
 - (ii) planning issue; and
 - (iii) community of interest issue; and
 - (iv) joint arrangements issue;
- (b) if the reviewable local government matter is a reviewable local government matter mentioned in section 64(1)(g) or (h) of the Act, other than abolishing divisions of a local government area—divisional boundaries issue;
- (c) if the reviewable local government matter relates to whether the class of a local government area should be changed—class change issue.

16 Prescribed issues—Act, s 107

For section 107(1) of the Act, the issues are the following—

- (a) resource base sufficiency issue;

- (b) planning issue;
- (c) community of interest issue;
- (d) joint arrangements issue.

Subdivision 3 Special provisions for joint arrangements

17 Aims of joint arrangements

The aims of a joint arrangement must be 1 or more of the following—

- (a) to increase a local government's efficiency in exercising its jurisdiction and in operating a facility, service or activity;
- (b) to help in the planning and development of a local government area;
- (c) to enable the needs of a local government area to be met;
- (d) to achieve and maintain effective representation of the local governments involved.

18 Application of joint arrangements

A joint arrangement may—

- (a) apply to the whole or a part of a local government area;
or
- (b) include local governments even if they were not mentioned in the reference by the Minister under chapter 3, part 1, division 3, subdivision 1 of the Act.

19 Contents of agreements about joint arrangements

- (1) Every agreement between local governments about a joint arrangement must include the following—
 - (a) a statement of the agreement's objectives;
 - (b) the aims of the joint arrangement;

- (c) procedures for amending the agreement if there are changes in a formula used in the agreement, including, for example, funding, or contribution, based on population;
 - (d) a dispute resolution process;
 - (e) review procedures;
 - (f) a sunset clause.
- (2) Subsection (1) does not limit the matters that may be included in an agreement about a joint arrangement.

Division 2 Intervention by the State

19A Revocation of resolution—Act, ss 161 and 162

- (1) This section applies to the resolution of the Aramac Shire Council on 30 January 2008 providing for an 8% increase of pay rates for its employees.
- (2) The resolution is revoked.
- (3) The day on which the resolution ceases to have effect is the day this section commences.

19B Revocation of resolutions—Act, s 161

- (1) This section applies to the resolutions of the Umagico Aboriginal Shire Council mentioned in the table.
- (2) Each resolution is revoked.

Table

Resolution title	Resolution number
Store	1.290108
Tavern	2.290108
Miscellaneous Enterprises	3.290108
Assets	4.290108
Development of Commercial Enterprises	5.290108

Resolution title	Resolution number
Preferred Supplier/Principal Contractor/Project Manager Status for Alau Enterprises Limited	1.190208
FASCIA Municipal Services PFA	2.190208
QBuild Repairs and Maintenance Contract	3.190208
ATSI Housing - Upgrade & New Construction Work	4.190208
Road Maintenance & Upgrade Contract	5.190208
State Development Grants - Budget lodge & Campground	6.190208
Construction of BMX Track	7.190208
Project Management of Stage 2 of the Community	8.190208
Project Management of Oval Lighting	9.190208
Project Management of Oval Turfing Project	10.190208
Committed Projects - Construction of the Church	11.190208
Committed Projects - Tavern & Supermarket - Capital Upgrade & Repairs and Maintenance	12.190208

20 Overruling particular local laws—Act, s 163

- (1) It is declared that each of the following provisions cease to have effect to the extent it deals with the distribution of how-to-vote cards—
 - (a) Local Law No. 2 (Council Facilities and Other Public Places), section 10, made by the Caloundra City Council;
 - (b) Local Law No. 5 (Council Facilities), section 10, made by the Beaudesert Shire Council.
- (2) In this section—

election means—

- (i) undertakes travel; or
 - (ii) uses accommodation; and
- (b) a contribution, whether financial or non-financial, for the cost of the travel or accommodation is made by someone other than the councillor or related person.

24 Financial and non-financial particulars for registers

- (1) For section 247(2)(b) of the Act, the financial and non-financial particulars are mentioned in schedule 1.
- (2) A register of interests of a councillor must contain particulars about interests held only by the councillor—
 - (a) alone; and
 - (b) jointly or in common with a person related to the councillor.
- (3) A register of interests of a related person must contain particulars about interests held only by the related person—
 - (a) alone; and
 - (b) jointly or in common with a councillor for whom the person is a related person.
- (4) However, if a councillor's interests that are held jointly or in common with a person related to the councillor are included in the register of the councillor's interests, the interests need not be included in the register of interests of the related person.

25 Councillor to tell about interests and correct particulars—Act, s 247

- (1) This section applies to a councillor after the councillor's term of office starts.
- (2) For section 247(3) of the Act, the councillor must tell the chief executive officer of the local government of an interest, or correct particulars of an interest, that must be recorded in a

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- (a) an enterprise associated with, and involved in, a local government providing local government services;
 - (b) enterprises associated with promoting a local government area;
 - (c) local government enterprises.
- (2) In this section—

local government enterprises means—

- (a) abattoirs or saleyards or markets for livestock; or
- (b) forestry operations; or
- (c) land development; or
- (d) plant purchase, sale or hire; or
- (e) quarrying; or
- (f) the sale or distribution of food or water for stock in times of natural disaster; or
- (g) the supply of gas or electricity; or
- (h) one or more of the following, but only if operated by the Aurukun Shire Council within the local government area of the Shire of Aurukun, or by the Mornington Shire Council within the local government area of the Shire of Mornington—
 - (i) general store for the sale of goods including, for example, food, clothing and petrol;
 - (ii) post office;
 - (iii) licensed premises under the *Liquor Act 1992*.

local government services includes the following services—

- (a) accommodation services, including, for example, hostels, hotels, motels, caravan parks and camping grounds;
- (b) cultural services, including, for example, civic or cultural centres, public halls, function rooms and public entertainment;
- (c) educational services, including, for example, kindergartens, libraries and student hostels;

- (d) environmental services, including, for example, river and creek cleaning, flood mitigation and refuse tips;
- (e) community services, including, for example, child care centres and facilities for aged persons and persons with disabilities;
- (f) recreational services, including, for example, swimming pools, sports grounds and showgrounds;
- (g) regulatory services, including, for example, animal control, building and drainage matters and anti-litter programs;
- (h) services for health (including public health) and safety, including, for example, the supply of water, sewerage, refuse collection and disposal, fire protection, beach patrols, health inspections and mosquito and vermin control;
- (i) transport services including, for example, the following—
 - (i) buses, ferries and other methods of transport;
 - (ii) aerodromes, boat ramps, jetties, marinas, parking facilities and other facilities necessary or convenient for transport;
 - (iii) construction and maintenance of private roads.

28 Limits of enterprise powers—Act, s 500

- (1) For section 500(2)(a) of the Act, the components of a local government's own source revenue are mentioned in schedule 2.
- (2) For section 500(2)(b) of the Act, the percentage is 5%.
- (3) For section 500(4) of the Act, 3 years is the maximum number of years.³

3 See section 500(3) of the Act.

Part 10 **Local laws and subordinate local laws**

Division 1 **Drafting standards for proposed local laws and subordinate local laws**

34 **Prescribed drafting standards**

- (1) This section prescribes for sections 861(2)(c) and 867(2)(b) of the Act the drafting standards for proposed local laws and subordinate local laws.⁶
- (2) Proposed local laws and subordinate local laws must—
 - (a) be drafted using gender-neutral language; and
 - (b) have sufficient regard to fundamental legislative principles;⁷ and
 - (c) be consistent with the guidelines issued by the parliamentary counsel under the *Legislative Standards Act 1992*, section 9, for local laws and subordinate local laws.⁸
- (3) However, subsection (2)(a) does not apply to a provision of a proposed law that applies to a specific gender.

6 Sections 861 (Step 2—get Minister’s agreement to use interim local law process) and 867 (Step 2—ensure proposed law satisfactorily deals with any State interest) of the Act

See also chapter 12, part 2, and schedule 2, definition *drafting certificate*, of the Act for the requirement to give a drafting certificate.

7 See the *Legislative Standards Act 1992*, section 4 (Meaning of *fundamental legislative principles*).

8 The matters mentioned in subsection (2)(a) and (b) are dealt with in detail in the guidelines. Copies of the guidelines are available for inspection from the department at 41 George Street, Brisbane.

Also, the guidelines may be accessed on the Office of the Queensland Parliamentary Counsel’s website at <www.legislation.qld.gov.au>.

Division 2 Anti-competitive provisions of proposed local laws and proposed subordinate local laws

36 Definitions for div 2

In this division—

identification guidelines means the document called ‘National Competition Policy Guidelines to Assist Local Governments Identify Possible Anti-competitive Provisions in Proposed Local Laws and Proposed Local Law Policies’ made by the department.⁹

public interest test guidelines means the document called ‘National Competition Policy Guidelines for Conducting Public Interest Tests on “Possible” Anti-competitive Provisions in Local Laws and Local Law Policies’ made by the department.¹⁰

37 Anti-competitive provisions—Act, s 885

For section 885, definition *anti-competitive provision*, of the Act, a provision that is treated as creating barriers to entry to a market or barriers to competition within a market is—

- (a) for a model local law proposed to be made by a local government—a provision the local government considers, under section 5.1.2 of the identification guidelines, as being within the criteria applied under the section; or
- (b) for a local law (other than a model local law) or a subordinate local law proposed to be made by a local government—a provision that is—
 - (i) not excluded by the local government under section 5.2.1 or 5.2.2 of the identification guidelines; and

⁹ A copy of the guidelines may be inspected, free of charge, during office hours at the department’s office at 41 George Street, Brisbane.

¹⁰ A copy of the guidelines may be inspected, free of charge, during office hours at the department’s office at 41 George Street, Brisbane.

- (ii) identified by the local government, under section 5.2.3 of the identification guidelines, as being within the criteria applied under the section.

38 Public interest tests and public interest test reports—Act, s 893

- (1) For section 893(a) of the Act, a local government must, to the extent it is reasonably practicable, follow the procedures, and use the criteria, mentioned in the identification guidelines to identify possible anti-competitive provisions of proposed local laws or proposed subordinate local laws.
- (2) For section 893(b) of the Act, public interest tests and public interest test reports must, to the extent it is reasonably practicable, comply with the public interest test guidelines.
- (3) For section 893(c) of the Act, a local government must, to the extent it is reasonably practicable, give information in accordance with the identification guidelines.

Division 3 Public access to subordinate local laws

39 Subordinate local law register—Act, s 895(2)

- (1) A local government's register of subordinate local laws must contain the following information about each law—
 - (a) the law's name;
 - (b) the law's purposes and general effect;
 - (c) the name of the local law allowing the law to be made;
 - (d) the name of any existing subordinate local law amended or repealed by the new law;
 - (e) if the law is for a limited period—details of the limitation;
 - (f) if the law applies only to a part of the local government's area—a description of the part;

(3) In this section—

formed, for a road, means a road, other than a gravelled pavement or sealed pavement road, formed so that stormwater drains from the road.

gravelled pavement, for a road, means a road surfaced with gravel, limestone or rubble and constructed by the use of a mechanical compaction process.

sealed pavement, for a road, means a road with a surface of asphalt, bitumen, concrete or pavers.

unformed, for a road, means a road or track that—

- (a) is not a formed, gravelled pavement or sealed pavement road; but
- (b) is open to, and used by, the public.

Part 12 Rates and charges

41 Land exempted from rating—Act, s 957

- (1) For section 957(1)(f) of the Act, the land mentioned in schedule 4 is exempt from rating.
- (2) For this section, land may be taken to be used for a purpose (the *primary purpose*) even though it is also used for purposes incidental to the primary purpose, including some commercial purposes.

Example—

The primary purpose of land may be a showground. At an annual agricultural show conducted at the showground, horse racing may be conducted. The horse racing is incidental to the primary purpose. However, if horse racing was held weekly, it could be that the primary purpose of the land is a race track.

42 Land record—Act, s 994

- (1) A local government's land record must contain the following information for each parcel of rateable land in its area—

- (a) the owner's name and postal address;
- (b) a description of the parcel, including its location and size;
- (c) the unimproved value, and effective value, of the land and the date the most recent effective value took effect;
- (d) information about rates for the parcel, including the following—
 - (i) the type and amounts of rates levied on the parcel;
 - (ii) if differential general rates are levied—the parcel's rating category;
 - (iii) the date of each levy and the time for payment;
 - (iv) the period for which the rates are levied;
 - (v) the financial year to which the rates apply;
 - (vi) information about the local government's discount periods, concessions and payment by instalments arrangements;
 - (vii) overdue rates, accrued interest on overdue rates and the interest rate applying to overdue rates;
 - (viii) the date the rates are paid.
- (2) The local government may include any other information in the land record that it considers appropriate.

43 Limit on interest for overdue rate—Act, s 1018

For section 1018(3)(a) of the Act, the rate of interest must not be more than 11% a year.

44 Notice of intention to sell land—Act, s 1041

- (1) For section 1041(3) of the Act, a notice of intention to sell land must include the following—
 - (a) a statement that the local government has decided to sell the land because an overdue rate has remained unpaid;
 - (b) a statement that the notice is a notice of intention to sell land under section 1041 of the Act;

- (c) the day the relevant resolution was made under section 1040 of the Act and the terms of the resolution;
 - (d) a description of the location and size of the land as shown in the local government's land record;
 - (e) details of all overdue rates for the land including the period for which the rates have remained unpaid;
 - (f) details of interest accrued to the date of the notice and the rate at which interest is accruing;
 - (g) a description of the way the interest mentioned in paragraph (f) is calculated;
 - (h) the amount of all overdue rates and other amounts owing at the date of the notice.¹⁴
- (2) The chief executive officer must sign the notice.

45 Notice for registering purchaser for interest—Act, s 1049

A notice mentioned in section 1049(2) of the Act must be in the approved form for a transfer lodged in the land registry.

46 Application for registering local government for interest—Act, s 1050

An application mentioned in section 1050(2) of the Act must be in the approved form for a general request lodged in the land registry.

47 Notice of intention to acquire valueless land—Act, s 1052

- (1) For section 1052(2) of the Act, a notice of intention to acquire land must include the following matters—
- (a) a statement that the local government is acquiring the land under section 1051 of the Act;
 - (b) a statement that the notice is a notice of intention to acquire land under section 1052 of the Act;

¹⁴ For the other information to be given to the owner of the land and other interested persons, see section 1041(2) of the Act.

- (c) the day the relevant resolution was passed under section 1051A of the Act and the terms of the resolution;
 - (d) a description of the location and size of the land as shown in the local government's land record;
 - (e) details of all overdue rates for the land, including the period for which the rates have remained unpaid;
 - (f) details of interest accrued to the date of the notice and the rate at which interest is accruing;
 - (g) a description of the way the interest mentioned in paragraph (f) is calculated;
 - (h) the amount of all overdue rates at the date of the notice;
 - (i) a copy of section 1052A of the Act and a general outline of the owner's rights to pay overdue rates.
- (2) The chief executive officer must sign the notice.

48 Application for registering local government for interest—Act, s 1053

An application mentioned in section 1053(3) of the Act must be in the approved form for a general request lodged in the land registry.

Part 13 Provisions aiding local government

49 Who may be appointed as authorised persons—Act, s 1084

For section 1084(1)(b) of the Act, each of the following persons may be appointed by a local government (the *appointing local government*) as an authorised person—

- (a) a person who contracts with the appointing local government to provide services to it for the administration and enforcement of a local government Act;

- (b) a person who is an employee of an entity that contracts with the appointing local government to provide services to it for the administration and enforcement of a local government Act;
- (c) a person who is an employee of another local government and who performs duties for the appointing local government under an arrangement between the appointing local government and the other local government.

49A Period prescribed for carrying out particular approved inspection programs—Act, s 1098

For section 1098(5)(e) of the Act, the period prescribed for carrying out an approved inspection program is 12 months if—

- (a) the program is only for the inspection of budget accommodation buildings under the *Building Act 1975*; and
- (b) inspection under the program is for, or includes, the monitoring of compliance with the fire safety standard under that Act.

50 Insurance against liability—Act, s 1123

For section 1123 of the Act—

- (a) the minimum amount of public liability insurance is \$30000000; and
- (b) the minimum amount of professional indemnity insurance is \$10000000.

Part 14 Local government staff

Division 1 Equal opportunity of employment

51 Steps to be followed in ongoing development of EEO management plan—Act, s 1137E(3)

A local government must take the following steps in developing its EEO management plan on an ongoing basis—

Step 1—Issue policy statement and keep employees informed

Inform employees of the local government's EEO policy and the results of monitoring and evaluating, under step 8, the implementation of the local government's EEO management plan.

Step 2—Nominate person to have EEO responsibility

Give responsibility for developing, implementing and continuous reviewing of the EEO management plan to a person who has, or persons who have, sufficient authority and status within the management of the local government to enable the person or persons to properly do so.

Step 3—Consult with trade unions

Consult with the trade unions that have members who are, or will be, affected by the EEO management plan about developing and implementing the plan.

Step 4—Consult with employees

Consult with the local government's employees, particularly employees who are members of the target groups, about developing and implementing the EEO management plan.

Step 5—Collect statistics

Collect and record statistics and related information about—

- (a) the number of employees who are members of the target groups; and
- (b) the salary stream and level of the employees.

Step 6—Review policies and practices

Examine the local government's policies and practices about employment matters to identify—

- (a) patterns (including patterns identified statistically) of inequality of opportunity for members of the target groups; and
- (b) policies or practices unlawfully discriminating against members of the target groups.

Step 7—Set objectives and implementation strategy

Set qualitative and quantitative objectives consistent with the purposes of this regulation and develop a strategy for implementing the EEO management plan to achieve the objectives.

Step 8—Assess implementation

Monitor and evaluate the implementation of the EEO management plan to assess whether the objectives have been achieved.

52 Local government's activities to implement EEO management plan

For section 534(1)(i) of the Act, the following information is prescribed—

- (a) statistics for at least the last 3 years about the number of employees who are members of the target groups and the salary stream and level of the employees;
- (b) information about consultation with the following groups and the outcome of the consultation—
 - (i) trade unions that have members who are, or will be, affected by the EEO management plan;
 - (ii) the local government's employees, particularly employees who are members of the target groups;
- (c) information about activities undertaken by the local government during the past year to eliminate unlawful discrimination against, or harassment of, the local government's employees;
- (d) information about the local government's forward plan for implementing its EEO management plan for the next financial year;

- (e) information about any other activities undertaken by the local government to create a positive work environment for the local government's employees.

Division 2 Register of delegations by chief executive officer to employees

72 Register of delegations by chief executive officer—Act, s 1132

For section 1132(4) of the Act, the particulars are—

- (a) the name of the person, or the title of the office held by the person, to whom the powers are delegated; and
- (b) the powers delegated, including—
 - (i) the provisions of the Act permitting or requiring the exercise of the powers; and
 - (ii) if the powers delegated have been delegated to the chief executive by the local government—the provisions of a local government Act permitting or requiring the exercise of the powers; and
- (c) the date of the delegation; and
- (d) a summary of any conditions to which the delegation is subject.

Division 3 Matters about disclosures by employees

73 Definitions for div 3

In this division—

related, to a relevant employee, see section 74.

related person means a person related to a relevant employee under section 74.

relevant employee, of a local government, means—

- (a) the chief executive officer; or

- (b) a senior executive officer of the local government; or
- (c) an employee of the local government about whom the chief executive officer of the local government must keep a register because the local government has made a decision about the employee under section 1139(2)(b) of the Act.

sponsored hospitality benefit see section 75.

74 Meaning of *related to a relevant employee*—Act, s 1139

For section 1139(1)(b) and (2)(c) of the Act, a person is related to a relevant employee if—

- (a) the person is the relevant employee's spouse; or
- (b) the person is totally or substantially dependent on the relevant employee and—
 - (i) the person is the relevant employee's child; or
 - (ii) the person's affairs are so closely connected with the affairs of the relevant employee that a benefit derived by the person, or a substantial part of it, could pass to the relevant employee.

75 Meaning of *sponsored hospitality benefit*

A relevant employee or related person receives a *sponsored hospitality benefit* if—

- (a) the relevant employee or related person, other than in an official capacity—
 - (i) undertakes travel; or
 - (ii) uses accommodation; and
- (b) a contribution, whether financial or non-financial, for the cost of the travel or accommodation is made by someone other than the relevant employee or related person.

76 Registers of interests of relevant employees and related persons

- (1) For section 1139(3)(b) of the Act, the financial and non-financial particulars are mentioned in schedule 5.
- (2) A register of interests of a relevant employee must contain particulars about interests held only by the relevant employee—
 - (a) alone; and
 - (b) jointly or in common with a person related to the relevant employee.
- (3) A register of interests of a related person must contain particulars about interests held only by the related person—
 - (a) alone; and
 - (b) jointly or in common with a person related to the relevant employee.
- (4) However, if a relevant employee's interests that are held jointly or in common with a person related to the relevant employee are included in the register of interests of the relevant employee, the interests need not be included in the register of interests of the related person.

77 Relevant employee to tell about interests and correct particulars—Act, s 1139

- (1) For section 1139(4) or (5) of the Act, the relevant employee must tell the relevant person of an interest, or correct particulars of an interest, that must be recorded in a register of interests within 30 days after the relevant employee knows of the interest or correct particulars.
- (2) A relevant employee may tell the relevant person by giving the person a statement of interests, or a notice of correct particulars, in the approved form.
- (3) In this section—

relevant person, for a register of interests, means the person who must, under section 1139(1) or (2) of the Act, keep the register.

Part 15 Superannuation

78 Local government entities

For section 1170, definition *local government entity*, paragraph (b), of the Act, each of the entities mentioned in schedule 6 is a local government entity for chapter 17 of the Act.

79 Persons eligible for membership of the scheme—Act, s 1181

- (1) For section 1181(1)(f) of the Act, the following persons are prescribed—
 - (a) a member's spouse;
 - (b) an entitled former spouse;
 - (c) an employee of—
 - (i) Resolute Information Technology; or
 - (ii) the Local Government Managers Australia (QLD) Inc;
 - (d) a person who—
 - (i) is an employee of South East Queensland Water Corporation Limited ACN 088 729 766; and
 - (ii) was, immediately before 17 March 2000, an employee of the South East Queensland Water Board and a member of the scheme;
 - (e) a person—
 - (i) who became a member of the scheme because the person was a person of a type mentioned in paragraph (c) or (d) or in any of paragraphs (a) to (e) of section 1181(1) of the Act; and
 - (ii) who has stopped being a person of that type; and
 - (iii) whose benefit under the scheme has not been fully paid out, withdrawn or transferred from the scheme.
- (2) In this section—

entitled former spouse means a person who is entitled, or conditionally entitled, under an agreement under the *Family Law Act 1975* (Cwlth) or a court order under that Act, to payment of an amount from the scheme.

scheme means the Local Government Superannuation Scheme.

South East Queensland Water Board means the South East Queensland Water Board established under the repealed *South East Queensland Water Board Act 1979*.

80 Interest payable on outstanding contributions—Act, s 1188

For section 1188(2) of the Act, the rate of interest is 14%.

**Part 16A Transitional matters for
Townsville-Thuringowa Water
Supply Joint Board**

Division 1 Preliminary

89A Definitions for pt 16A

(1) In this part—

changeover day, for the new local government area of Townsville City Council, means the changeover day for the area under chapter 3, part 1B of the Act.

council see section 89B.

joint board see section 89B.

(2) Words defined for chapter 3, part 1B of the Act have the same meaning in this part.

Division 2 **Dissolution of
Townsville-Thuringowa Water
Supply Joint Board and role of
Townsville City Council**

89B **Dissolution of joint board**

Townsville-Thuringowa Water Supply Joint Board (the *joint board*) is dissolved on the changeover day for the new local government area of Townsville City Council (the *council*).

89C **Council successor of joint board**

- (1) The council is, in all respects, the successor of the joint board.
- (2) The other provisions of this part do not limit subsection (1).

89D **Council to take over particular functions and powers**

- (1) This section applies in relation to the council if, under an Act—
 - (a) the joint board may perform a function or exercise a power; and
 - (b) the joint board started to perform the function or exercise the power, but did not finish performing the function or exercising the power, before the changeover day for the council's local government area.
- (2) The council may, from its local government area's changeover day, continue to perform the function or exercise the power.

89E **Council subject to particular obligations, etc.**

If the joint board is, immediately before the changeover day for the council's local government area, subject to a condition, duty, obligation, order or requirement, the council is, from the changeover day, subject to the condition, duty, obligation, order or requirement.

Division 3 Local laws and other instruments

89F Definition for div 3

In this division—

continuing local law means a local law of the joint board in force in its local government area immediately before the changeover day for the council's local government area.

89G Local laws for council's local government area

- (1) From the changeover day for the council's local government area, a continuing local law and any subordinate local law made under the local law continue to apply in what was the joint board's local government area until the earliest of the following—
 - (a) it is repealed by the council;
 - (b) the council, by local law, applies its local laws to the joint board's local government area under section 89H(2);
 - (c) 31 December 2010.
- (2) The council may, by local law, amend a continuing local law while it continues in force under subsection (1).
- (3) A continuing local law must be read with the changes necessary to make it consistent with, and adapt its operation to, this regulation.
- (4) In applying a continuing local law from the changeover day for the council's local government area—
 - (a) a reference in the continuing local law to the joint board is taken to be a reference to the council; and
 - (b) a reference in the continuing local law to the chief executive officer is taken to be a reference to the chief executive officer of the council.

89H Limited application of continuing local laws

- (1) To remove any doubt, it is declared that a continuing local law continues in force only for the part of the council's local government area to which it applied immediately before the changeover day for the council's local government area.
- (2) However, the council may, by local law, apply a continuing local law to the whole of its local government area, with or without changes.
- (3) If the council applies a local law to the whole of its local government area, any subordinate local law made under the local law also applies to the whole of the local government area.
- (4) If the council applies, by local law, a continuing local law without changes to the whole of its local government area, sections 867 and 872 of the Act do not apply to the making of the local law.
- (5) If—
 - (a) the council applies, by local law, a continuing local law to the whole of its local government area; and
 - (b) when applying the local law, the council repeals another continuing local law (the *repealed local law*) about the same matter; and
 - (c) the only change to the continuing local law, as applied by the local law, is to amend the continuing local law to provide for instruments made under the repealed local law to continue in force;sections 867 and 872 of the Act do not apply to the making of the local law.
- (6) If—
 - (a) the council applies, by local law, a continuing local law to the whole of its local government area; and
 - (b) the only change to the continuing local law, as applied by the local law, is to repeal—
 - (i) any redundant provision under section 899D of the Act; or

- (ii) any anti-competitive provision identified in a public interest test report under chapter 12, part 2, division 5 of the Act;

sections 867 and 872 of the Act do not apply to the making of the local law.

89I Existing instruments continue in force

- (1) This section applies to an instrument, other than a local law or an instrument made under the *Integrated Planning Act 1997*—
 - (a) properly made by the joint board under an Act or a local law before the changeover day for the council's local government area about—
 - (i) a resident in the joint board's local government area; or
 - (ii) an owner of land in the joint board's local government area; or
 - (iii) land in the joint board's local government area; or
 - (iv) a person's entitlement to carry out an activity in the joint board's local government area; and
 - (b) in force immediately before the changeover day for the council's local government area.
- (2) For the council dealing with the instrument from the changeover day for its local government area, the instrument continues in force until it would, if the joint board's local government area had not been abolished, have ceased to have effect under the Act.

89J Existing delegations made to joint board

- (1) This section applies to a delegation—
 - (a) made to the joint board under an Act; and
 - (b) in force immediately before the changeover day for the council's local government area.
- (2) From the changeover day, the delegation continues in force as a delegation to the new local government in relation to the

area that was the joint board's local government area until the earlier of the following—

- (a) it is revoked;
 - (b) it would, if the joint board's local government area had not been abolished, have ended.
- (3) Subsection (2) does not stop the delegation being amended while it continues in force under the subsection.

89K Existing delegations made by joint board to chief executive officer

- (1) This section applies to a delegation—
 - (a) made by the joint board to its chief executive officer; and
 - (b) in force immediately before the changeover day for the council's local government area.
- (2) From the changeover day, the delegation continues in force as a delegation to the council's chief executive officer from the council in relation to the whole of the council's local government area until the earlier of the following—
 - (a) it is revoked by the council;
 - (b) it would, if the joint board's local government area had not been abolished, have ended.
- (3) Subsection (2) does not stop the council amending a delegation while it continues in force under the subsection.

89L Existing authorisations

- (1) This section applies to an authorisation in force in the joint board's local government area, and applying in relation to the joint board or an officer of the joint board, immediately before the changeover day for the council's local government area.
- (2) From the changeover day, the authorisation continues in force in the area that was the joint board's local government area, and in relation to the council or the officer, until the earlier of the following—
 - (a) it is revoked;

- (b) it would, if the joint board's local government area had not been abolished, have ended.
- (3) Subsection (2) does not stop the authorisation being amended while it continues in force under the subsection.

89M Authorised persons

- (1) This section applies if—
 - (a) the joint board appoints a person as an authorised person under chapter 15, part 5 of the Act; and
Editor's note—
chapter 15, part 5 (Enforcement of local government Acts) of the Act
 - (b) the person holds office as an authorised officer immediately before the changeover day for the council's local government area.
- (2) From the changeover day for the council's local government area, the person's instrument of appointment continues in force as an instrument of appointment of the person as an authorised person of the council.
- (3) The instrument of appointment continues in force in relation to the area that was the joint board's local government area until the earlier of the following—
 - (a) the instrument of appointment is repealed by the council;
 - (b) the person stops holding office as an authorised person in the circumstances provided for under section 1086(2) of the Act.

Editor's note—

section 1086 (Authorised person's appointment conditions) of the Act

- (4) Subsection (2) does not stop the council amending the instrument of appointment while it continues in force under subsection (3).

Division 4 Financial matters

89N Assets and liabilities of joint board

- (1) Each asset of the joint board immediately before the changeover day for the council's local government area becomes, on the changeover day of the council's local government area, an asset of the council.
- (2) Each liability of the joint board immediately before the changeover day for council's local government area becomes, on the changeover day for the council's local government area, a liability of the council.
- (3) The registrar of titles or other person responsible for keeping a register for dealings in assets must, if asked by the council in the appropriate form, record the transfer or the vesting of any asset under this section in the council.

89O Fees and charges

- (1) From the changeover day for the council's local government area, a fee or charge fixed or made by the joint board—
 - (a) is taken to have been fixed or made, in relation to the joint board's local government area, by the council; and
 - (b) applies until the council varies the fee or charge.

- (2) In this section—

charge includes an infrastructure charge and infrastructure contribution under the *Integrated Planning Act 1997*.

89P Recovery of unpaid fees and charges

- (1) This section applies if—
 - (a) before the changeover day for the council's local government area, the joint board had fixed or made a fee or charge in relation to the joint board's local government area; and
 - (b) immediately before the changeover day, the fee or charge had not been paid.

- (2) The council is taken to have fixed or made the fee or charge.
- (3) If the time for payment of the fee or charge had not ended before the changeover day, the time continues to run until the end of the period in which the fee or charge must be paid (the *relevant period*).
- (4) If the person fails to pay the fee or charge within the relevant period, the council may take action against the person to obtain payment of the fee or charge.
- (5) In this section—
charge includes an infrastructure charge and infrastructure contribution under the *Integrated Planning Act 1997*.

Division 5 Employment matters

89Q Preservation of employees' rights and entitlements

- (1) This section applies to a person who immediately before the changeover day for the council's local government area was an employee of the joint board.
- (2) From the changeover day for the council's local government area, the person is employed by the council on the same conditions on which the person was employed by the joint board.
- (3) Employment of the person by the council under subsection (2) does not—
 - (a) affect the employee's benefits, entitlements or remuneration; or
 - (b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
 - (c) interrupt continuity of service; or
 - (d) constitute a retrenchment or redundancy; or
 - (e) entitle the employee to a payment or other benefit merely because the person is no longer employed by the joint board.

- (4) Without limiting subsection (2), if an industrial instrument applies to the person immediately before the changeover day for the council's local government area, the instrument continues to apply to the person.
- (5) If the person was, immediately before the changeover day for the council's local government area, employed under a contract of employment between the person and the joint board, subsections (2) and (3) apply subject to the contract of employment.
- (6) A workforce transition code of practice under section 159ZH of the Act applies to the transition of the employee from the joint board to the council.

Note—

The *Local Government (Workforce Transition Code of Practice) Notice 2007* was notified on 29 August 2007.

89R Appointer of employees

For the continuing employment of a person employed by the council, the person is taken to have been appointed by the chief executive officer of the council.

Division 6 General

89S Documents of joint board

The documents of the joint board become the documents of the council from the changeover day for the council's local government area.

89T References to joint board

A reference to the joint board in an Act or document may, from the changeover day for the council's local government area and if the context permits, be taken to be a reference to the council.

Example—

a contract to which the joint board is a party

89U Administrative action taken by joint board

- (1) Any administrative action taken by the joint board before the changeover day for the council's local government area is, from the changeover day, taken to be an administrative action taken by the council.
- (2) An administrative action that could have been started or continued by the joint board before the changeover day for the council's local government area may, from the changeover day, be started or continued by the council.

89V Legal proceedings

A legal proceeding that could have been started or continued by or against the joint board before the changeover day for the council's local government area may, from the changeover day, be started or continued by or against the council.

Part 17 Transitional provisions for Act**90 Anti-competitive provisions—Act, s 1219**

For section 1219, definition *anti-competitive provision*, of the Act, a provision that is treated as creating barriers to entry to a market or barriers to competition within a market is—

- (a) for a model local law made by a local government—a provision the local government considers, under section 5.1.2 of the identification guidelines, as being within the criteria applied under the section; or
- (b) for a local law (other than a model local law) or a subordinate local law made by a local government—a provision that is—
 - (i) not excluded by the local government under section 5.2.1 or 5.2.2 of the identification guidelines; and

- (ii) identified by the local government, under section 5.2.3 of the identification guidelines, as being within the criteria applied under the section.

91 Anti-competitive provisions—Act, s 1231

- (1) For section 1231(a) of the Act, a local government must, to the extent it is reasonably practicable, follow the procedures, and use the criteria, mentioned in the identification guidelines to identify possible anti-competitive provisions of existing local laws or proposed subordinate local laws.
- (2) For section 1231(b) of the Act, public interest tests and public interest test reports must, to the extent it is reasonably practicable, comply with the public interest test guidelines.
- (3) For section 1231(c) of the Act, a local government must, to the extent it is reasonably practicable, give information in accordance with the identification guidelines.

Part 17A Transitional regulation for particular rates and charges

91A Declaration that this part is a transitional regulation—Act, s 159YQA

This part is a transitional regulation under section 159YQA of the Act.

91B Application of definitions for ch 3, pts 1B and 1C of the Act

Words defined for chapter 3, parts 1B and 1C of the Act have the same meaning in this part.

91C Definitions for pt 17A

In this part—

reform matters includes the repeal of the *Community Services (Torres Strait) Act 1984*.

relevant adjusted area, for an adjusted local government, means a part of the local government's local government area that, immediately before the changeover day for the local government area, was part of the local government area of another adjusted local government.

relevant area, for an indigenous regional council, means a part of the indigenous regional council's local government area that, immediately before the changeover day for the local government area, was the local government area of a merging local government.

relevant financial year means a financial year starting on or after 1 July 2008 and ending on or before 30 June 2012.

relevant merged area, for a new local government, means a part of the local government's local government area that, immediately before the changeover day for the local government area, was all or part of the local government area of a merging local government.

91D Transitional provision for rates and charges for new local governments

- (1) A new local government may, for a relevant financial year, and for a relevant merged area for the new local government, make and levy rates and charges under chapter 14 of the Act in the same way, and in the same amounts, that the merging local government could have made and levied rates and charges if the reform matters had not taken effect.

Example—

On the changeover day for the new local government area of Bundaberg Regional Council, the local government area of a merging local government, Burnett Shire Council, was included in the local government area of Bundaberg Regional Council. This section allows Bundaberg Regional Council to make and levy rates and charges for the included area in the same way and in the same amounts that Burnett Shire Council could have made and levied rates and charges for the included area if no creation of new local government areas, as provided for in chapter 3, part 1B of the Act, had ever taken place. This would include the power to raise or lower the levels of rates and charges, just as Burnett Shire Council could have done.

- (2) This section does not purport to limit how a new local government may act under chapter 14 of the Act.

91E Transitional provision for rates and charges for adjusted local governments

- (1) An adjusted local government may, for a relevant financial year, and for a relevant adjusted area for the adjusted local government, make and levy rates and charges under chapter 14 of the Act in the same way, and in the same amounts, that the other adjusted local government could have made and levied rates and charges if the reform matters had not taken effect.

Example—

On the changeover day for the adjusted local government area of Logan City Council, a part of the local government area of another adjusted local government, Gold Coast City Council, was included in the local government area of Logan City Council. This section allows Logan City Council to make and levy rates and charges for the included area in the same way and in the same amounts that Gold Coast City Council could have made and levied rates and charges for the included area if no adjustments of local government areas, as provided for in chapter 3, part 1B of the Act, had ever taken place. This would include the power to raise or lower the levels of rates and charges, just as Gold Coast City Council could have done.

- (2) This section does not purport to limit how an adjusted local government may act under chapter 14 of the Act.

91F Transitional provision for charges on residents of residential premises for indigenous regional councils

- (1) An indigenous regional council may, for a relevant financial year, and for a relevant area for the indigenous regional council, make and levy charges on residents of residential premises under section 159ZZZG of the Act in the same way, and in the same amounts, that the merging local government could have made and levied charges on residents of residential premises if the reform matters had not taken effect.
- (2) This section does not purport to limit how an indigenous regional council may act under section 159ZZZG of the Act.

Part 18 **Repeal and expiry**

92 **Repeal of Local Government Regulation 1994**

The *Local Government Regulation 1994* is repealed.

93 **Expiry of Act, s 159ZY—Act, s 159ZZA**

Section 159ZY of the Act expires on the commencement of this section.

Schedule 1 Councillors' and related persons' particulars for registers

section 24

1 Controlling interest in corporation

The particulars required for each corporation in which a councillor or related person is a shareholder or has a controlling interest in shares are—

- (a) the corporation's name; and
- (b) if the shareholding or interest is a controlling interest in the corporation—details of the shareholdings of the corporation in any other corporation; and
- (c) if the shareholding or interest is held in a proprietary company that is the holding company of another corporation—
 - (i) details of the holding company's investments; and
 - (ii) the name of any corporation that is a subsidiary of the holding company; and
 - (iii) the name of any corporation that is a subsidiary of any corporation that is the holding company's subsidiary.

2 Officer of corporation

The particulars required for each corporation of which a councillor or related person is an officer are—

- (a) the corporation's name; and
- (b) the nature of the office held; and
- (c) the nature of the corporation's activities.

Schedule 1 (continued)**3 Beneficial interest in trust or nominee corporation**

The particulars required for each family or business trust or nominee corporation in which a councillor or related person holds a beneficial interest are—

- (a) the name of, or a description sufficient to identify, the trust, or the corporation's name; and
- (b) the nature of the activities of the trust or corporation; and
- (c) the nature of the interest.

4 Trustee for trust

The particulars required for each family or business trust of which a councillor or related person is a trustee are—

- (a) the name of, or a description sufficient to identify, the trust; and
- (b) the nature of the trust's activities; and
- (c) the name of each beneficiary of the trust, or, if the trust is a discretionary trust, each class of persons who may benefit under the trust.

5 Partnership and joint venture

The particulars required for each partnership or joint venture in which a councillor or related person has an interest are—

- (a) the name of, or a description sufficient to identify, the partnership or joint venture; and
- (b) the nature of the partnership's or joint venture's activities; and
- (c) the nature of the interest.

6 Land

The particulars required for all land in which a councillor or related person has an interest are—

Schedule 1 (continued)

- (a) the suburb or locality of the land; and
- (b) the approximate size of the land; and
- (c) the purpose for which the land is, and is intended to be, used; and
- (d) the nature of the interest.

7 Liability

- (1) The particulars required for each liability, other than department store and credit card accounts, of a councillor, related person, trust or private company are—
 - (a) the nature of the liability; and
 - (b) the name of the creditor.
- (2) However, subsection (1) does not apply if the debt—
 - (a) is for an amount of \$10000 or less; or
 - (b) arises from the supply of goods or services supplied in the ordinary course of—
 - (i) the councillor's business; or
 - (ii) the business of the trust or private company.

- (3) In this section—

private company means a proprietary company in which a councillor or related person holds securities.

trust means a trust of which a councillor or related person is a beneficiary.

8 Debentures and similar investments

The particulars required for each debenture or similar investment held by a councillor or related person are—

- (a) the nature of the investment; and
- (b) the name of the corporation in which the investment is made; and
- (c) the nature of the business of the corporation.

Schedule 1 (continued)

9 Savings and investment accounts

The particulars required for each savings or investment account of a councillor or related person held with a financial institution are—

- (a) the nature of the account; and
- (b) the name of the institution.

10 Gifts totalling more than \$500

(1) The particulars required for each gift, or all gifts totalling, more than \$500 in amount or value given by a person (a *donor*) to a councillor or related person are—

- (a) the donor's name; and
- (b) the amount or value of each gift.

(2) Subsection (1) does not apply to a gift from a donor who is—

- (a) if the councillor receives the gift—
 - (i) a person related to the councillor, or
 - (ii) someone else related by blood or marriage to the councillor; or
 - (iii) the councillor's friend; or
- (b) if the related person receives the gift—
 - (i) a councillor to whom the related person is related; or
 - (ii) someone else related by blood or marriage to the related person; or
 - (iii) the related person's friend.

(3) For subsection (2), the councillor must be satisfied there can not be the perception of a conflict of interest, financial or otherwise, relating to the gift that could conflict with the councillor's duty as a councillor.

Schedule 1 (continued)**11 Sponsored hospitality benefit**

The particulars required for each sponsored hospitality benefit received by a councillor or related person are—

- (a) the source of the contribution for the travel or accommodation; and
- (b) the purpose of the benefit.

12 Membership of political party, body, association and trade or professional organisation

The particulars required for each political party, body or association or trade or professional organisation of which a councillor or related person is a member are its name and address.

13 Other assets with value more than \$5000

The particulars required for each other asset of a councillor or related person with a value of more than \$5000, other than the following, are sufficient details of the asset to identify it—

- (a) household and personal effects;
- (b) a motor vehicle used mainly for personal use;
- (c) superannuation entitlements.

14 Other sources of income more than \$500 a year

The particulars required for each other source of income more than \$500 a year received by the following are sufficient details of the income to identify it—

- (a) a councillor or related person;
- (b) a proprietary company, or trust, in which a councillor or related person holds securities.

Schedule 1 (continued)

15 Other financial or non-financial interests

- (1) The particulars required for each other interest of a councillor or related person are sufficient details of the interest to identify it.
- (2) In this section—

interest, of the councillor or related person, means a financial or non-financial interest—

 - (a) of which the councillor is aware; and
 - (b) that raises, appears to raise, or could raise, a conflict between the councillor's duty as a councillor and the holder of the interest.

Schedule 2 Components of local government's own source revenue

section 28

- 1 general rates, differential general rates and the minimum general rate levy
- 2 ex gratia receipts
- 3 fines
- 4 charges for services or facilities under section 36(2)(c) of the Act
- 5 regulatory fees
- 6 interest

Schedule 3 Local governments for building certification business activity

section 30

Beaudesert Shire Council
Brisbane City Council
Bundaberg City Council
Burnett Shire Council
Caboolture Shire Council
Cairns City Council
Calliope Shire Council
Caloundra Shire Council
Cooloola Shire Council
Crow's Nest Shire Council
Douglas Shire Council
Gladstone City Council
Gold Coast City Council
Hervey Bay City Council
Ipswich City Council
Livingstone Shire Council
Logan City Council
Mackay City Council
Mareeba Shire Council
Maroochy Shire Council
Maryborough City Council
Noosa Shire Council
Pine Rivers Shire Council

Schedule 3 (continued)

Redcliffe City Council

Redland Shire Council

Rockhampton City Council

Thuringowa City Council

Toowoomba City Council

Townsville City Council

Whitsunday Shire Council

Schedule 4 Land exempted from rating

section 41

- 1 land vested in, or placed under the management and control of, a person under an Act for recreation, sporting or charitable purposes if the land is used for 1 or more of the purposes
- 2 land used for charitable purposes if the relevant local government has, by resolution, decided the land should be exempt
- 3 land used for purposes of a public hospital if—
 - (a) the public hospital is—
 - (i) part of a private hospital complex; or
 - (ii) a private and public hospital complex; and
 - (b) the land used for the purposes is more than 2ha and separated from the rest of the complex
- 4 land owned or held by a local government unless the land is leased by the local government to someone other than another local government
- 5 land owned by a religious entity if the land is less than 20ha and is used for 1 or more of the following purposes—
 - (a) religious purposes, including, for example, public worship;
 - (b) the provision of education, health or community services, including facilities for aged persons and persons with disabilities;
 - (c) the administration of the religious entity;
 - (d) housing incidental to a purpose mentioned in paragraph (a), (b) or (c)
- 6 land owned by a community entity, including, for example, the Queensland Country Women's Association, if the land is less than 20ha and is used for providing the following—
 - (a) accommodation associated with the protection of children;

Schedule 4 (continued)

- (b) accommodation for students;
 - (c) educational, training or information services aimed at improving labour market participation or leisure opportunities
- 7 land used for a cemetery
- 8 land used primarily for showgrounds or horseracing, other than land mentioned in item 1, if the relevant local government has, by resolution, decided the land should be exempt

Schedule 5 Relevant employees' and related persons' particulars for registers

section 76

1 Controlling interest in corporation

The particulars required for each corporation in which a relevant employee or related person is a shareholder or has a controlling interest in shares are—

- (a) the corporation's name; and
- (b) if the shareholding or interest is a controlling interest in the corporation—details of the shareholdings of the corporation in any other corporation; and
- (c) if the shareholding or interest is held in a proprietary company that is the holding company of another corporation—
 - (i) details of the holding company's investments; and
 - (ii) the name of any corporation that is a subsidiary of the holding company; and
 - (iii) the name of any corporation that is a subsidiary of any corporation that is the holding company's subsidiary.

2 Officer of corporation

The particulars required for each corporation of which a relevant employee or related person is an officer are—

- (a) the corporation's name; and
- (b) the nature of the office held; and
- (c) the nature of the corporation's activities.

Schedule 5 (continued)**3 Beneficial interest in trust or nominee corporation**

The particulars required for each family or business trust or nominee corporation in which a relevant employee or related person holds a beneficial interest are—

- (a) the name of, or a description sufficient to identify, the trust, or the corporation's name; and
- (b) the nature of the activities of the trust or corporation; and
- (c) the nature of the interest.

4 Trustee for trust

The particulars required for each family or business trust in which a relevant employee or related person is a trustee are—

- (a) the name of, or a description sufficient to identify, the trust; and
- (b) the nature of the trust's activities; and
- (c) the name of each beneficiary of the trust, or, if the trust is a discretionary trust, each class of persons who may benefit under the trust.

5 Partnership and joint venture

The particulars required for each partnership or joint venture in which a relevant employee or related person has an interest are—

- (a) the name of, or a description sufficient to identify, the partnership or joint venture; and
- (b) the nature of the partnership's or joint venture's activities; and
- (c) the nature of the interest.

Schedule 5 (continued)

6 Land

The particulars required for all land in which a relevant employee or related person has an interest are—

- (a) the suburb or locality of the land; and
- (b) the approximate size of the land; and
- (c) the purpose for which the land is, and is intended to be, used; and
- (d) the nature of the interest.

7 Liability

(1) The particulars required for each liability, other than department store and credit card accounts, of a relevant employee, related person, trust or private company are—

- (a) the nature of the liability; and
- (b) the name of the creditor.

(2) However, subsection (1) does not apply if the debt—

- (a) is for an amount of \$10000 or less; or
- (b) arises from the supply of goods or services supplied in the ordinary course of—
 - (i) the relevant employee's business; or
 - (ii) the business of the trust or private company.

(3) In this section—

private company means a proprietary company in which a relevant employee or related person holds securities.

trust means a trust of which a relevant employee or related person is a beneficiary.

8 Debentures and similar investments

The particulars required for each debenture or similar investment held by a relevant employee or related person are—

Schedule 5 (continued)

- (a) the nature of the investment; and
- (b) the name of the corporation in which the investment is made; and
- (c) the nature of the business of the corporation.

9 Savings and investment accounts

The particulars required for each savings or investment account of a relevant employee or related person held with a financial institution are—

- (a) the nature of the account; and
- (b) the name of the institution.

10 Gifts totalling more than \$500

- (1) The particulars required for each gift, or all gifts totalling, more than \$500 in amount or value given by a person (a *donor*) to a relevant employee or related person are—
 - (a) the donor's name; and
 - (b) the amount or value of each gift.
- (2) Subsection (1) does not apply to a gift from a donor who is—
 - (a) if the donor gives the relevant employee the gift—
 - (i) a person related to the relevant employee, or
 - (ii) someone else related by blood or marriage to the relevant employee; or
 - (iii) the relevant employee's friend; or
 - (b) if the donor gives the related person the gift—
 - (i) a relevant employee to whom the related person is related; or
 - (ii) someone else related by blood or marriage to the related person; or
 - (iii) the related person's friend.

Schedule 5 (continued)

- (3) For subsection (2), the relevant employee must be satisfied there can not be the perception of a conflict of interest, financial or otherwise, relating to the gift that could conflict with the relevant employee's duty as an employee.

11 Sponsored hospitality benefit

The particulars required for each sponsored hospitality benefit received by a relevant employee or related person are—

- (a) the source of the contribution for the travel or accommodation; and
- (b) the purpose of the benefit.

12 Membership of political party, body, association and trade or professional organisation

The particulars required for each political party, body or association or trade or professional organisation of which a relevant employee or related person is a member are its name and address.

13 Other assets with value more than \$5000

The particulars required for each other asset of a relevant employee or related person with a value of more than \$5000, other than the following, are sufficient details of the asset to identify it—

- (a) household and personal effects;
- (b) a motor vehicle used mainly for personal use;
- (c) superannuation entitlements.

14 Other sources of income more than \$500 a year

The particulars required for each other source of income more than \$500 a year received by the following are sufficient details of the income to identify it—

- (a) a relevant employee or related person;

Schedule 5 (continued)

- (b) a proprietary company, or trust, in which a relevant employee or related person holds securities.

15 Other financial or non-financial interests

- (1) The particulars required for each other interest of a relevant employee or related person are sufficient details of the interest to identify it.
- (2) In this section—
 - interest*, of a relevant employee or related person, means a financial or non-financial interest—
 - (a) of which the relevant employee is aware; and
 - (b) that raises, appears to raise, or could raise, a conflict between the relevant employee's duty as a relevant employee and the holder of the interest.

**Schedule 6 Local government
entities—Act, chapter 17**

section 78

Aboriginal Local Government Association of Queensland Inc
Badu Island Council
Burdekin Cultural Complex Board Inc.
Burdekin River Improvement Trust
Central Queensland Local Government Association Inc.
Central Western Queensland Remote Area Planning and
Development Board
Coconut Island Council
Condamine River Improvement Trust
Dauan Island Council
Don River Improvement Trust
Empire Theatres Pty Ltd ACN 086 482 288
Gold Coast Arts Centre Pty Ltd ACN 850 607 874 66
Gulf Local Authorities Development Association Inc.
Hammond Island Council
Houghton River Improvement Trust
Institute of Public Works Engineering Australia Queensland
Kubin Island Council
Local Buy Pty Ltd ACN 090 446 487
Local Government Association of Queensland Inc.
Mackay, Hinterland and Whitsunday Combined Local
Authorities Association Inc.
North Queensland Afforestation Association Inc.
Pioneer River Improvement Trust
Queensland Local Government Industry Training Committee

Schedule 6 (continued)

Queensland Water Directorate

Regional Galleries Association of Queensland Inc.

SEQ Distribution Entity (Interim) Pty Ltd ACN 133 962 544

St. Pauls Island Council

Stanthorpe Art Gallery Society Incorporated

Stanthorpe Dingo Fence Maintenance Association

Sunshine Coast Events Centre Pty Ltd ACN 107 604 991

Townsville Thuringowa Water Supply Board

Warraber Island Council

Wide Bay Water Corporation

Schedule 7 Dictionary

section 3

class change issue see section 9.

community of interest issue see section 10.

controlling interest in shares in a corporation, for a person, means the person is able—

- (a) to dispose of, or to exercise control over the disposal of, the shares; or
- (b) if the shares are voting shares—to exercise, or to control the exercise of, a voting power attached to the shares.

convertible note see the Corporations Act, section 9.

corporation see the Corporations Act, section 9.

debenture see the Corporations Act, section 9.

divisional boundaries issue see section 11.

employee means an individual appointed or engaged—

- (a) under a contract of service; or
- (b) under a statutory appointment.

gift means—

- (a) the transfer of money, other property or other benefit—
 - (i) without consideration; or
 - (ii) for a consideration substantially less than full consideration; or
- (b) a loan of money or other property made on a permanent or indefinite basis, other than an overdraft facility.

holding company, for a corporation, see the Corporations Act, section 9.

how-to-vote cards means cards, handbills or pamphlets that—

- (a) are or include—

Schedule 7 (continued)

- (i) a representation of a ballot paper or part of a ballot paper; or
- (ii) something apparently intended to represent a ballot paper or part of a ballot paper; or
- (b) list the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of the candidates; or
- (c) otherwise direct or encourage the casting of preference votes, other than first preference votes, in a particular way.

identification guidelines see section 36.

joint arrangement, for part 3, division 1, see section 8.

joint arrangements issue see section 12.

nominee corporation means a corporation whose principal business is holding marketable securities as a trustee or nominee.

officer, for a corporation, see the Corporations Act, section 9.

planning issue see section 13.

proprietary company, for a corporation, see the Corporations Act, section 9.

public interest test guidelines see section 36.

reform matters, for part 17A, see section 91C.

related—

- (a) for part 4 and schedule 1—see section 22; or
- (b) for part 14, division 3, and schedule 5—see section 74.

related person—

- (a) for part 4 and schedule 1—see section 21; or
- (b) for part 14, division 3, and schedule 5—see section 73.

relevant adjusted area, for part 17A, see section 91C.

relevant area, for part 17A, see section 91C.

Schedule 7 (continued)

relevant employee, for part 14, division 3, and schedule 5, see section 73.

relevant financial year, for part 17A, see section 91C.

relevant merged area, for part 17A, see section 91C.

resource base sufficiency issue see section 14.

securities see the Corporations Act, section 92.

separation includes voluntary and involuntary separation of a person from a local government.

share means—

- (a) a share in the share capital of a corporation; or
- (b) stock; or
- (c) a convertible note; or
- (d) an option.

sponsored hospitality benefit—

- (a) for part 4 and schedule 1—see section 23; or
- (b) for part 14, division 3, and schedule 5—see section 75.

subsidiary, for a corporation, see the Corporations Act, section 9.

trade or professional organisation means a body, whether incorporated or unincorporated, that—

- (a) consists of the following—
 - (i) employers or employees;
 - (ii) persons engaged in a profession, trade or other occupation; and
- (b) has an object of furthering the professional, industrial or economic interests of the body or its members.

trade union means—

- (a) an employee organisation under the *Industrial Relations Act 1999*; or

Schedule 7 (continued)

- (b) an organisation of employees registered under the *Workplace Relations Act 1996* (Cwlth).

water catchment principle, for part 3, division 1, see section 8.

Endnotes

1 Index to endnotes

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6 List of annotations	80

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 December 2009. Future amendments of the Local Government Regulation 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2005	
1A	2005 SL No. 217 2005 SL No. 218	2 September 2005	
1B	2005 SL No. 291	1 January 2006	
1C	2006 SL No. 135	16 June 2006	
1D	2006 SL No. 197	4 August 2006	R1D withdrawn, see R2
2	—	4 August 2006	
2A	2007 SL No. 196	10 August 2007	
2B	2007 SL No. 219	31 August 2007	
2C	2008 SL No. 23	15 February 2008	
2D	2008 SL No. 46 2008 SL No. 48	7 March 2008	
2E	2008 SL No. 128	16 May 2008	R2E withdrawn, see R3
3	—	16 May 2008	
3A	2009 SL No. 116	26 June 2009	
3B	2009 SL No. 91	1 July 2009	
3C	2009 Act No. 24	1 December 2009	

5 List of legislation

Local Government Regulation 2005 SL No. 81

made by the Governor in Council on 5 May 2005

notfd gaz 6 May 2005 pp 73–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

exp 1 September 2015 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Local Government Amendment Regulation (No. 3) 2005 SL No. 217

notfd gaz 2 September 2005 pp 71–2

commenced on date of notification

Local Government Amendment Regulation (No. 4) 2005 SL No. 218

notfd gaz 2 September 2005 pp 71–2

commenced on date of notification

Local Government Legislation Amendment Regulation (No. 2) 2005 SL No. 291 pts 1, 4

notfd gaz 2 December 2005 pp 1268–71
ss 1–2 commenced on date of notification
remaining provisions commence 1 January 2006 (see s 2)

Local Government Amendment Regulation (No. 1) 2006 SL No. 135

notfd gaz 16 June 2006 pp 787–90
commenced on date of notification

Local Government Amendment Regulation (No. 2) 2006 SL No. 197

notfd gaz 4 August 2006 pp 1614–15
commenced on date of notification

Local Government Amendment Regulation (No. 1) 2007 SL No. 196

notfd gaz 10 August 2007 pp 1901–2
commenced on date of notification

Local Government Amendment Regulation (No. 2) 2007 SL No. 219

notfd gaz 31 August 2007 pp 2326–7
commenced on date of notification

Local Government Reform Implementation Regulation 2008 SL No. 23 s 1, pt 7

notfd gaz 15 February 2008 pp 725–6
commenced on date of notification
Note—An explanatory note was prepared

Local Government Amendment Regulation (No. 2) 2008 SL No. 46

notfd gaz 7 March 2008 pp 1151–2
commenced on date of notification

Local Government Amendment Regulation (No. 1) 2008 SL No. 48

notfd gaz 7 March 2008 pp 1151–2
commenced on date of notification

Local Government Amendment Regulation (No. 3) 2008 SL No. 128

notfd gaz 16 May 2008 pp 407–8
commenced on date of notification

Animal Management (Cats and Dogs) Regulation 2009 SL No. 91 ss 1–2, 48–50

notfd gaz 19 June 2009 pp 707–11
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2009 (see s 2)

Local Government Amendment Regulation (No. 1) 2009 SL No. 116

notfd gaz 26 June 2009 pp 831–7
commenced on date of notification

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 8 pt 4

date of assent 26 June 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 2009 (2009 SL No. 252)

6 List of annotations

Criteria for regions, cities and towns—Act, s 18

prov hdg amd 2008 SL No. 23 s 97(1)

s 7 amd 2008 SL No. 23 s 97(2)–(3)

Revocation of resolution—Act, ss 161 and 162

s 19A ins 2008 SL No. 48 s 3

Revocation of resolutions—Act, s 161

s 19B ins 2008 SL No. 46 s 3

Meaning of “sponsored hospitality benefit”

s 23 amd 2007 SL No. 196 s 3

Councillor to tell about interests and correct particulars—Act, s 247

s 25 amd 2007 SL No. 196 s 4

Particular application of drafting standards

s 35 om 2006 SL No. 135 s 3

Period prescribed for carrying out particular approved inspection programs—Act, s 1098

s 49A ins 2005 SL No. 218 s 3

PART 14—LOCAL GOVERNMENT STAFF

Division 1—Equal opportunity of employment

div hdg sub 2009 Act No. 24 s 1296

Subdivision 1—Object of division and related matters

sdiv hdg om 2009 Act No. 24 s 1296

Steps to be followed in ongoing development of EEO management plan—Act, s 1137E(3)

s 51 sub 2009 Act No. 24 s 1296

Local government’s activities to implement EEO management plan

s 52 sub 2009 Act No. 24 s 1296

Merit principle reinforced

s 53 om 2009 Act No. 24 s 1296

Criteria for exemption from compliance with div 1—Act, s 1130

s 54 om 2009 Act No. 24 s 1296

Subdivision 2—Development of equal employment opportunity management plan

sdiv 2 (ss 55–56) om 2009 Act No. 24 s 1296

Subdivision 3—Implementation of plan

sdiv 3 (ss 57–58) om 2009 Act No. 24 s 1296

Subdivision 4—EEO information in annual report

sdiv hdg om 2009 Act No. 24 s 1296

Local government’s activities to implement EEO management plan

s 59 amd 2005 SL No. 291 s 11

om 2009 Act No. 24 s 1296

Subdivision 5—Supervision by chief executive

sdiv 5 (ss 60–62) om 2009 Act No. 24 s 1296

Subdivision 6—Supervision by tribunal

sdiv 6 (ss 63–70) om 2009 Act No. 24 s 1296

Subdivision 7—Tabling of reports and review of division

sdiv 7 (s 71) om 2009 Act No. 24 s 1296

Meaning of “sponsored hospitality benefit”

s 75 amd 2007 SL No. 196 s 5

Relevant employee to tell about interests and correct particulars—Act, s 1139

s 77 amd 2007 SL No. 196 s 6

Persons eligible for membership of the scheme—Act, s 1181

s 79 amd 2006 SL No. 135 s 4; 2006 SL No. 197 s 3

PART 16—ENCLOSURES FOR RESTRICTED DOGS

pt hdg om 2009 SL No. 91 s 49

Division 1—Preliminary

div 1 (ss 81–82) om 2009 SL No. 91 s 49

Division 2—Requirements

div 2 (ss 83–89) om 2009 SL No. 91 s 49

**PART 16A—TRANSITIONAL MATTERS FOR TOWNSVILLE-THURINGOWA
WATER SUPPLY JOINT BOARD**

pt hdg ins 2008 SL No. 23 s 98

Division 1—Preliminary

div 1 (s 89A) ins 2008 SL No. 23 s 98

**Division 2—Dissolution of Townsville-Thuringowa Water Supply Joint Board and
role of Townsville City Council**

div 2 (ss 89B–89E) ins 2008 SL No. 23 s 98

Division 3—Local laws and other instruments

div hdg ins 2008 SL No. 23 s 98

Definition for div 3

s 89F ins 2008 SL No. 23 s 98

Local laws for council’s local government area

s 89G ins 2008 SL No. 23 s 98

Limited application of continuing local laws

s 89H ins 2008 SL No. 23 s 98

Existing instruments continue in forces 89I ins 2008 SL No. 23 s 98
amd 2009 SL No. 116 s 3**Existing delegations made to joint board**

s 89J ins 2008 SL No. 23 s 98

Existing delegations made by joint board to chief executive officer

s 89K ins 2008 SL No. 23 s 98

Existing authorisations

s 89L ins 2008 SL No. 23 s 98

Authorised persons

s 89M ins 2008 SL No. 23 s 98

Division 4—Financial matters

div hdg ins 2008 SL No. 23 s 98

Assets and liabilities of joint board

s 89N ins 2008 SL No. 23 s 98

Fees and chargess 89O ins 2008 SL No. 23 s 98
amd 2009 SL No. 116 s 4**Recovery of unpaid fees and charges**s 89P ins 2008 SL No. 23 s 98
amd 2009 SL No. 116 s 5**Division 5—Employment matters**

div 5 (ss 89Q–89R) ins 2008 SL No. 23 s 98

Division 6—General

div 6 (ss 89S–89V) ins 2008 SL No. 23 s 98

PART 17A—TRANSITIONAL REGULATION FOR PARTICULAR RATES AND CHARGES

pt 17A (ss 91A–91F) ins 2008 SL No. 128 s 3

PART 18—REPEAL AND EXPIRY

pt hdg amd 2007 SL No. 219 s 3

Expiry of Act, s 159ZY—Act, s 159ZZA

s 93 ins 2007 SL No. 219 s 4

SCHEDULE 1—COUNCILLORS’ AND RELATED PERSONS’ PARTICULARS FOR REGISTERS**Liability**

s 7 amd 2009 SL No. 116 s 6

Sponsored hospitality benefit

s 11 amd 2007 SL No. 196 s 7

SCHEDULE 5—RELEVANT EMPLOYEES’ AND RELATED PERSONS’ PARTICULARS FOR REGISTERS**Liability**

s 7 amd 2009 SL No. 116 s 7

Sponsored hospitality benefit

s 11 amd 2007 SL No. 196 s 8

SCHEDULE 6—LOCAL GOVERNMENT ENTITIES—ACT, CHAPTER 17

amd 2005 SL No. 217 s 3; 2009 SL No. 116 s 8

SCHEDULE 7—DICTIONARY

def “**Anti-Discrimination Tribunal**” om 2009 Act No. 24 s 1297

def “**EEO management plan**” om 2009 Act No. 24 s 1297

def “**employment matters**” om 2009 Act No. 24 s 1297

def “**gift**” amd 2007 SL No. 196 s 9

def “**permitted place**” om 2009 SL No. 91 s 50

def “**reform matters**” ins 2008 SL No. 128 s 4

def “**relevant adjusted area**” ins 2008 SL No. 128 s 4

def “**relevant area**” ins 2008 SL No. 128 s 4

def “**relevant employee**” amd 2005 SL No. 291 s 12

def “**relevant financial year**” ins 2008 SL No. 128 s 4

def “**relevant merged area**” ins 2008 SL No. 128 s 4

def “**target group**” om 2009 Act No. 24 s 1297

def “**unlawful discrimination**” om 2009 Act No. 24 s 1297