



*Local Government Act 2009*

# **Local Government (Operations) Regulation 2010**

**Reprinted as in force on 1 July 2010**

**Reprint No. 1**

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- omit provisions that are no longer required (s 40)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about when provisions commenced.**

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Queensland

# Local Government (Operations) Regulation 2010

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# Local Government (Operations) Regulation 2010

[reprinted as in force on 1 July 2010]

## Chapter 1 Preliminary

### 1 Short title

This regulation may be cited as the *Local Government (Operations) Regulation 2010*.

### 2 Commencement

This regulation commences on 1 July 2010.

### 3 Definitions

The dictionary in schedule 6 defines particular words used in this regulation.

## Chapter 2 Local governments

### Part 1 Local government areas, names and representation

#### 4 What pt 1 is about

For section 8(4) of the Act, this part—

(a) describes the boundaries of local government areas; and

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- (b) describes the boundaries of any divisions; and
- (c) fixes the number of councillors for local governments and any divisions of local government areas; and
- (d) names local government areas; and
- (e) classifies local government areas as a city, town, shire or region.

## **5 Names of local government areas**

- (1) The name of each local government area is mentioned in schedule 1, column 1.
- (2) A local government may be called either—
  - (a) ‘Council of the ... (*insert* City/Town/Shire/Region) of ... (*insert* name of local government area)’; or
  - (b) ‘... (*insert* name of local government area) ... (*insert* City/Town/Shire/Regional) Council’.
- (3) Also, a local government mentioned in schedule 2 may be called ‘... (*insert* name of local government area) ... Aboriginal Shire Council’.

## **6 Classifications of local government areas**

- (1) The classification of each local government area is mentioned in schedule 1, column 2.
- (2) The classifications of local government areas are—
  - city
  - town
  - shire
  - region.

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**7 Boundaries of local government areas and any divisions**

- (1) The boundaries of each local government area, and any divisions of the area, are shown on its area map mentioned in schedule 1, column 3.
- (2) To remove any doubt, it is declared that any part of a watercourse, including the land below the high-water mark of the watercourse, that is within the boundary of a local government area is part of the local government area.
- (3) A *watercourse* includes a canal, lake or river.
- (4) Each area map is identified by a map number marked on the map.
- (5) The department's chief executive must ensure—
  - (a) a copy of the area maps may be inspected by the public at the State office; and
  - (b) each local government has a copy of its area map.
- (6) Each local government must ensure the public may inspect a copy of its area map at the local government's public office.

**8 Number of councillors for a local government and any divisions of the local government area**

- (1) The total number of councillors for each local government area is mentioned in schedule 1, column 5.
- (2) The number of councillors for each division of a local government area is mentioned in schedule 1, column 4.

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## **Part 2                                      Changing a local government area, name or representation**

### **Division 1                                Changing boundaries of a local government**

#### **9                What div 1 is about**

This division prescribes, for section 19(2)(c) of the Act, the other matters to be considered by the change commission if a proposed local government change relates to a change of the boundaries of a local government area.

#### **10            Community of interest**

- (1) The external boundaries of a local government area should be drawn in a way that has regard to communities 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, 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.
- (2) The *water catchment principle* is the principle that water catchment areas should generally be included in the local government area they service.

## 11 Joint arrangements

- (1) 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.
- (2) A *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 an activity, facility or service;
  - (d) an agreement on, or extension of, an activity, facility or service outside a local government area;
  - (e) a contribution for the operation of an activity, facility or service outside a local government area;
  - (f) resource sharing by local governments;
  - (g) any other type of arrangement of a joint nature the change commission considers appropriate, including an arrangement not dealt with under the Act.

## 12 Planning

The external boundaries of a local government area should be drawn in a way that—

- (a) helps in—

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- (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.

### **13 Resource base sufficiency**

A local government should have a sufficient resource base—

- (a) to be able to efficiently and effectively exercise 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 activities, facilities and services.

## **Division 2 Changing classification of a local government area**

### **14 Changing classification of a local government area**

- (1) This section prescribes, for section 19(2)(c) of the Act, the other matters to be considered by the change commission if a proposed local government change relates to a change of the classification of a local government area.
- (2) The criteria for a local government area to be declared a city are that—
  - (a) the area is the centre of a region providing commercial, industrial, health and public sector services for the region; and
  - (b) the area has, for the 3 years immediately before the declaration, had—
    - (i) a population of at least 25000; and



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- (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 criteria for a local government area to be declared a town are that the area does not meet the criteria for being declared a city but is urban in character.
  - (4) The criterion for a local government area to be declared a shire is that the area is not urban in character.
  - (5) The criterion for a local government area to be declared a region is that the area be created as a result of the amalgamation of 2 or more local government areas of any class.

## **Chapter 3      The business of local governments**

### **Part 1            Local laws**

#### **15      Information to be given to Minister—Act, 29A**

For section 29A(2)(b)(iii) of the Act, the information required about a proposed local law is—

- (a) details of any consultation with the public about the proposed local law; and
- (b) details of any consultation with relevant government entities about the overall State interest in the proposed local law; and
- (c) if the proposed local law infringes any fundamental legislative principles—justifications for the infringement.

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## **16 Local law register—Act, s 31**

- (1) For section 31(1) of the Act, a local government's register of its local laws must contain all of the following information about each local law—
  - (a) the local law's name, purposes and general effect;
  - (b) if the law is a subordinate local law—the name of the local law allowing the subordinate local law to be made;
  - (c) the name of any existing local law amended or repealed by the new local law;
  - (d) if the local law is for a limited period—details of the limitation;
  - (e) if the local law applies only to a part of the local government's area—a description of the part;
  - (f) the day the local government made the local law;
  - (g) the day the notice advising of the making of the local law is published and the name of each newspaper in which the notice appeared;
  - (h) the day the local law commences.
- (2) The local government may include, in the register of its local laws, any other information about a local law it considers appropriate.
- (3) A person may, on payment of a fee decided by the local government, request an extract or a certified copy of a local law from the register of its local laws.
- (4) The fee mentioned in subsection (3) must not be more than the actual reasonable cost of providing the extract or copy.
- (5) The local government must publish the register of its local laws on its website.

## **17 Anti-competitive provisions**

- (1) For the Act, schedule 4, definition *anti-competitive provision*, a provision that is identified as creating barriers to entry to a

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market or barriers to competition within a market is a provision—

- (a) for a provision of a model local law proposed to be adopted by a local government—the local government considers, under section 5.1.2 of the identification guidelines, as being within the criteria applied under that section; or
  - (b) for any other provision proposed to be adopted by a local government—
    - (i) identified by the local government, under section 5.2.3 of the identification guidelines, as being within the criteria applied under that section; and
    - (ii) not excluded by the local government under section 5.2.1 or 5.2.2 of the identification guidelines.
- (2) The *identification guidelines* is 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’, version 1, made by the department.

*Editor’s note—*

The identification guidelines are available for inspection on the department’s website.

## **18 Procedures for the review of anti-competitive provisions—Act, s 38**

- (1) For section 38(1) of the Act, the procedures prescribed are those procedures under the public interest test guidelines.
- (2) The *public interest test guidelines* is the document called the ‘National Competition Policy Guidelines for Conducting Public Interest Tests on “Possible” Anti-competitive Provisions in Local Laws and Local Law Policies’, version 1, made by the department.

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*Editor's note—*

The public interest test guidelines are available for inspection on the department's website.

## **19 Drafting standards for local laws**

- (1) This section prescribes, for the Act, schedule 4, definition *drafting standards*, the standards for drafting local laws.
- (2) Local laws must 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.

# **Part 2 Roads and other infrastructure**

## **Division 1 Roads**

### **20 Prescribed particulars for register of roads—Act, s 74**

- (1) For section 74(1)(b)(iii) of the Act, the other particulars prescribed are—
  - (a) the length of every road, including an unformed road, in the local government's area; and
  - (b) if a road is formed, gravelled pavement or sealed pavement—the length and width of the formed, gravelled pavement or sealed pavement part of the road; and
  - (c) if a road consists of a through road and an adjacent road—the width of each as if each were a separate road.
- (2) For subsection (1)—
  - (a) a length must be measured in kilometres and a width must be measured in metres; and

- 
- (b) the width of a divided road is the total width of all sections of the divided road that are formed, gravelled pavement or sealed pavement.
- (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.

## Division 2                      Malls

### 21            Procedures for establishing malls—Act, s 80A

- (1) For section 80A(2) of the Act, this section prescribes the procedures for establishing or extending a mall.
- (2) A local government must take the following steps if it is to establish or extend a mall—
- (a) decide, by resolution, that the mall should be established or extended;
- (b) include the proposed mall or extension in its planning scheme;
- (c) declare, by public notice, that the relevant road or other land becomes a mall or an extension of a mall as from a stated day.

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- (3) The public notice must be published—
  - (a) in a newspaper that is circulating generally in the locality of the proposed mall or extension; and
  - (b) on the local government’s website.

**22 Other matters connected with managing, promoting or using malls—Act, s 80A**

- (1) For section 80A(3) of the Act, this section prescribes other matters connected with managing, promoting or using a mall.
- (2) In relation to a mall, a local government may do any of the following—
  - (a) anything that is necessary or desirable for developing, managing, maintaining (including cleaning), promoting, or using the mall;
  - (b) permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate;
  - (c) anything incidental to its powers mentioned in paragraph (a) or (b).
- (3) The local government’s planning scheme must include all existing and proposed malls in the local government area.

**Division 3 Marine and aquatic matters**

**23 Harbours, jetties, breakwaters and ramps**

- (1) A local government may construct, maintain, manage and regulate the use of—
  - (a) harbours for small vessels in or over tidal waters; and
  - (b) jetties, breakwaters and ramps in or over tidal waters.
- (2) A local government may exercise powers under subsection (1) for a harbour or proposed harbour even if the waters of the

harbour are inside the limits of a port within the meaning of the Transport Infrastructure Act.

- (3) A local government may occupy and use foreshore, tidal land or tidal waters to undertake work in exercising the powers under subsection (1).
- (4) While the local government occupies or uses foreshore, tidal land or tidal waters, the foreshore, land or waters are taken to be in its local government area.

## 24 Canals

- (1) This section is about canals within the meaning of the *Coastal Protection and Management Act 1995*, section 9.
- (2) If a local law affects the owner of a structure in a canal, the **owner** of the structure is—
  - (a) the holder of the development permit under the Planning Act to build the structure; or
  - (b) the owner of the land—
    - (i) that receives the benefit of the structure; or
    - (ii) to which the structure is connected.

## 25 The foreshore

- (1) The Governor in Council may, by gazette notice, place a foreshore under the control of—
  - (a) the local government for the local government area adjoining the foreshore; or
  - (b) if there is no local government area adjoining the foreshore—the local government for a local government area that is near the foreshore.
- (2) While the foreshore is under the local government's control the foreshore is taken to be part of the local government's area.

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## **26 Bathing reserves**

- (1) The Governor in Council may, by gazette notice, place the following under the control of a local government as a bathing reserve—
  - (a) a part of a seashore;
  - (b) land under the sea that is adjacent to the part of a seashore and seawards for a distance of not more than 1km beyond low-water mark at ordinary spring tides;
  - (c) sea above the part of a seashore and land.
- (2) The *seashore* is—
  - (a) the foreshore; or
  - (b) State land that—
    - (i) is above the high-water mark at ordinary spring tides; and
    - (ii) is ordinarily covered by sand or shingle; and
    - (iii) is not subject to a licence, permit or other authority granted by the State under an Act.
- (3) While the bathing reserve is under the local government's control the bathing reserve is taken to be part of the local government's area.

## **Division 4 Other matters**

### **27 Public thoroughfare easements**

- (1) This section is about land that is subject to a public thoroughfare easement.
- (2) The local government in whose favour the easement is created has control of the land, subject to the provisions of the instrument that created the easement.
- (3) *Control of the land* includes the right to take all necessary steps for—



- 
- (a) construction on, maintenance of or improvement of the land; and
  - (b) regulation of the use of the land.
- (4) The local government is responsible for maintaining the land.
  - (5) The owner of the land is not required, and can not be required, to maintain, or to contribute to the maintenance of, any part of the land.
  - (6) The *owner* of the land is—
    - (a) if the land is land granted in trust under the Land Act—the trustee of the land; or
    - (b) if the land is non-freehold land under the Land Act—the lessee or licensee of the land; or
    - (c) if the land is a lot under the Land Title Act—the registered owner of the lot.
  - (7) The owner of the land is not, and can not be made, civilly liable for an act done, or omission made, honestly and without negligence, in relation to the land.
  - (8) When deciding what rights and liabilities attach because of something that happened on the land, the land is taken to be a road under the local government’s control.

## **28 Boundary works**

- (1) This section is about a road or other work that is to be, or has been, built—
  - (a) along the boundary between 2 or more local government areas; and
  - (b) partly in each of the areas.
- (2) The cost of planning, constructing, maintaining and managing the road or other work is the joint responsibility of each of those local governments.
- (3) The local governments must enter into the arrangements that are necessary to perform that responsibility.

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## **29 Levee banks**

- (1) This section is about levees on land within a local government area, other than land that is part of an approved plan under the *Soil Conservation Act 1986*.
- (2) If a local government makes a local law to prohibit the construction of levee banks without a permit, the local law must provide for—
  - (a) particulars to be supplied by an applicant for a permit; and
  - (b) public notice of applications for permits to be given by advertisement at least twice in a newspaper that is circulating generally in the local government area; and
  - (c) submissions supporting or objecting to applications and the requirements applying to the submissions; and
  - (d) procedures of the local government in considering and deciding applications; and
  - (e) all other issues that the local government considers necessary for dealing with applications.
- (3) A person dissatisfied by a decision of a local government about an application for a permit may apply, as provided under the QCAT Act, to QCAT for a review of the decision.
- (4) A permit given under this section does not affect a right or remedy that a person has about the levee bank.

## **Part 3 Levy on Kuranda rail line**

### **30 Definitions for pt 3**

In this part—

*free of charge*, for a journey on the Kuranda rail line, means a journey provided without any of the following—

- 
- (a) payment or other consideration;
  - (b) requiring, or asking for, a donation, levy or other monetary contribution for the journey including, for example, the purchase of a ticket in a raffle;
  - (c) displaying a receptacle, whether on the train used for the journey or elsewhere, in a way that suggests a donation is expected or required to travel on the rail line.

***Kuranda rail line*** means the railway between Cairns and Kuranda.

***Kuranda rail operator*** means a person who, under the Transport Infrastructure Act, section 123, is accredited to operate rolling stock under that Act on the Kuranda rail line.

***tourist infrastructure levy*** see section 31(1).

### **31 Imposition of levy**

- (1) A levy (the ***tourist infrastructure levy***) is imposed on each Kuranda rail operator until 31 December 2020.
- (2) The levy is at the rate of \$1 for each passenger journey to or from Kuranda on the Kuranda rail line provided by the Kuranda rail operator, other than a journey provided free of charge.
- (3) For subsection (2), a return journey is taken to be a single journey.

### **32 Payment of levy**

- (1) Each Kuranda rail operator must, within 3 weeks after the end of each quarter year for which the tourist infrastructure levy is imposed, pay the State the amount of the levy imposed on it during the quarter.
- (2) A Kuranda rail operator must pay interest on an amount owing under subsection (1) unpaid from time to time.

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- (3) Interest accrues daily at the rate of 10% per annum on the unpaid amount on and from the day after it is owing until it is paid in full.
- (4) If a Kuranda rail operator does not pay an amount owing under this section, the State may recover it from the operator as a debt.

### **33 Obligation to give annual statements**

- (1) Each Kuranda rail operator must, within 4 months after each financial year ends, give the chief executive a written statement for the year that complies with subsection (2).

Maximum penalty—20 penalty units.

- (2) The statement must—
  - (a) state how many passenger journeys on the Kuranda rail line were provided by the Kuranda rail operator during the financial year, other than journeys provided free of charge; and
  - (b) if a form is approved for the statement—be in the approved form.
- (3) The approved form may require the statement to be made or verified by statutory declaration.

### **34 How levy is to be applied**

Amounts received by the State for payment of the tourist infrastructure levy must be paid to the Tablelands Regional Council in the way, and on the conditions, decided by the Minister.

### **35 Expiry**

This part expires on 30 June 2021.

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## **Chapter 4      Monitoring and enforcing Local Government Acts**

### **36      Period prescribed for carrying out particular approved inspection programs—Act, s 134**

For section 134(4)(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; and
- (b) inspection under the program is for, or includes, the monitoring of compliance with the fire safety standard under that Act.

## **Chapter 5      Administration**

### **Part 1          Councillors**

#### **Division 1      Councillor remuneration**

##### **37      What div 1 is about**

This division states the processes of the tribunal in deciding the remuneration that is payable to councillors.

##### **38      Establishing categories of local governments**

- (1) The tribunal must establish categories of local governments for this part.
- (2) The purpose of establishing categories of local governments is to enable the tribunal to decide the remuneration that may be

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paid to mayors and other councillors of local governments in each category of local government.

### **39 Criteria for establishing categories**

In establishing categories of local governments, the tribunal must have regard to the following criteria—

- (a) the size, and geographical and environmental terrain, of local government areas;
- (b) the population of local government areas, including the areas' demographics, the spread of population serviced by the local governments and the extent of the services the local governments provide;
- (c) the size of local governments and the workload associated with particular sizes, including whether councillors of the local governments hold office on a full-time or part-time basis;
- (d) the diversity, including cultural diversity, of local governments' communities;
- (e) the extent of development of local government areas, including economic and community development, infrastructure and industry;
- (f) other matters the tribunal considers relevant to the effectiveness, efficiency and sustainability of local governments.

### **40 Deciding and reviewing the categories of local governments to which local governments belong**

- (1) The tribunal must, for each local government, decide the category of local government to which the local government belongs.
- (2) When making a decision about a local government under subsection (1), the tribunal must have regard to the criteria it used for establishing categories of local governments.

- (3) The tribunal must, at least every 4 years, review the categories of local governments established under section 38.
- (4) After reviewing the categories, the tribunal must—
  - (a) decide whether to amend the established categories; and
  - (b) if any category of local government is amended, again decide the categories of any local governments affected by the amendment.

#### **41 Deciding remuneration**

- (1) The tribunal must, on or before 1 December in each year and for each category of local government, decide the remuneration that may be paid in the following year to a councillor, mayor or deputy mayor of a local government in each category.
- (2) In making the decision, the tribunal must have regard to—
  - (a) the provisions of the Act about entitlements and responsibilities of councillors of local governments; and
  - (b) community expectations about what is appropriate remuneration in the circumstances.
- (3) The remuneration may include, or may separately provide for, remuneration for the duties a councillor may be required to perform if the councillor is appointed to a committee, or as chairperson of a committee, of a local government.
- (4) The remuneration can not include—
  - (a) any amount for expenses to be paid or facilities to be provided to a councillor of a local government under its expenses reimbursement policy; or
  - (b) any contribution a local government makes for a councillor of the local government to a voluntary superannuation scheme for councillors established or taken part in by the local government under section 226 of the Act.

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- (5) However, the remuneration may include an additional amount for councillors who are over 75 years paid in lieu of the contributions mentioned in subsection (4)(b).

## **42 Remuneration schedule**

- (1) The tribunal must prepare the remuneration schedule.
- (2) The *remuneration schedule* states, for the year to which it applies—
  - (a) the category of each local government decided under section 40; and
  - (b) the remuneration that may be paid to the mayors and other councillors for each category of local government decided under section 41.
- (3) After preparing a remuneration schedule, the tribunal must—
  - (a) within 14 days, prepare a report about the remuneration schedule and give a copy of the report and the remuneration schedule to the Minister; and
  - (b) publish the remuneration schedule in the gazette.
- (4) After receiving a copy of the remuneration schedule, the Minister must table a copy of the schedule in the Legislative Assembly.
- (5) A local government must, by resolution, adopt the remuneration schedule within 90 days of the schedule being gazetted.

## **43 Submission to vary remuneration in exceptional circumstances**

- (1) This section applies if a local government considers that, having regard to exceptional circumstances that apply, a councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.



- (2) The local government may make a submission to the tribunal for approval to vary the remuneration that the councillor may be paid.
- (3) The tribunal may, but is not required to, consider the submission.
- (4) If the tribunal considers the submission and is satisfied that, having regard to the exceptional circumstances that apply, the councillor is entitled to a different amount of remuneration from that stated in the remuneration schedule, the tribunal may approve payment of the different remuneration.

## **Division 2                      Reimbursement of expenses and provision of facilities**

### **44            What div 2 is about**

- (1) This division is about the expenses reimbursement policy.
- (2) The *expenses reimbursement policy* is a policy providing for the following—
  - (a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
  - (b) provision of facilities to the councillors for that purpose.

### **45            Requirement to adopt expenses reimbursement policy or amendment**

- (1) A local government must adopt, by resolution, an expenses reimbursement policy or an amendment of the expenses reimbursement policy.
- (2) An expenses reimbursement policy, including any amendment of the policy, adopted by a local government must be consistent with—
  - (a) the local government principles; and

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- (b) the financial sustainability criteria under section 102 of the Act.

#### **46 Notification of adoption of expenses reimbursement policy**

- (1) As soon as practicable after a local government adopts its expenses reimbursement policy, the local government must give public notice of the policy.
- (2) The public notice must be published—
  - (a) in a newspaper circulating generally in the local government area; and
  - (b) on the local government’s website.

#### **47 Meetings about expenses reimbursement policy**

A local government can not resolve under section 72 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

### **Division 3 Other matters**

#### **48 Prescribed integrity offence—Act, s 153**

For section 153(5)(c) of the Act, the offence against section 107 is prescribed.

#### **49 Councillors and local government jobs—Act, s 167**

- (1) For section 167(3)(b) of the Act, the class of employees prescribed is a regular employee of an indigenous local government, other than an indigenous regional council.
- (2) A *regular employee*, of an indigenous local government, is any employee other than—

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- (a) the chief executive officer, or acting chief executive officer, of the indigenous local government; or
  - (b) a holder of a position, whose primary responsibility is the administration of the indigenous local government's finances; or
  - (c) the holder of a position with the indigenous local government that reports directly to a position mentioned in paragraph (a) or (b).
- (3) This section expires on the day of the quadrennial elections for 2012.

**50 Declaration of office—Act, s 169**

For section 169(2) of the Act, the declaration of office prescribed is—

‘I, (*insert name of councillor*), having been elected/appointed as a councillor of the (*insert name of local government*), declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles under the *Local Government Act 2009*, to the best of my judgment and ability.’.

**Part 2 Local government meetings and committees**

**Division 1 Local government meetings**

**51 What div 1 is about**

This division is about the meetings of a local government (other than meetings of its committees).

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## **52 Agenda of post-election meetings**

- (1) The matters a local government must consider at a post-election meeting include the day and time for holding other meetings.
- (2) A *post-election meeting* is the meeting mentioned in section 175(1) of the Act.

## **53 Frequency of meetings**

- (1) A local government must meet at least—
  - (a) for a region, city or town—once in each month; or
  - (b) for a shire—once in each period of 3 months.
- (2) However, a local government may apply, in writing, to the Minister for a variation of the requirement under subsection (1) (a *meeting variation*).
- (3) The Minister must consider the application and may grant the application, with or without conditions, if the Minister is reasonably satisfied no councillor of the local government would, if the application were granted, be unable to properly perform their responsibilities under the Act.
- (4) If the Minister grants the application—
  - (a) the Minister must give the local government written notice of the decision; and
  - (b) the local government must publish the details of the meeting variation on its website.

## **54 Place of meetings**

- (1) All meetings of a local government are to be held at one of its public offices.
- (2) However, a local government may, by resolution, fix another place for a particular meeting.

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## 55 Notice of meetings

- (1) Written notice of each meeting or adjourned meeting of a local government must be given to each councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice.
- (2) The written notice must state—
  - (a) the day and time of the meeting; and
  - (b) for a special meeting—the object of the meeting.
- (3) A *special meeting* is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.
- (4) Despite subsection (1), the written notice must be given to each councillor of an indigenous regional council at least 4 days before the day of the meeting unless it is impracticable to give the notice.

## 56 Quorum at meetings

- (1) A quorum of a local government is a majority of its councillors.
- (2) However, if the number of councillors is an even number, one-half of the number is a quorum.

## 57 Procedure at meetings

- (1) Business may be conducted at a meeting of a local government only if a quorum is present.
- (2) At a meeting of a local government—
  - (a) voting must be open; and
  - (b) a question is decided by a majority of the votes of the councillors present; and
  - (c) each councillor present has a vote on each question to be decided and, if the votes are equal, the councillor presiding has a casting vote; and

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- (d) if a councillor present fails to vote, the councillor is taken to have voted in the negative.

## **58 Adjournment of meetings**

- (1) The majority of councillors present at a meeting of a local government may adjourn the meeting to a later hour of the same day or to a later day.
- (2) If a quorum is not present within 30 minutes after the time appointed for a meeting, the meeting may be adjourned to a later hour or another day within 14 days after the day of adjournment, by—
  - (a) a majority of the councillors present; or
  - (b) if only 1 councillor is present—the councillor; or
  - (c) if no councillors are present—the chief executive officer.

## **59 Repeal or amendment of resolutions**

A resolution of a local government may be repealed or amended only if written notice of intention to propose the repeal or amendment is given to each councillor at least 5 days before the meeting at which the proposal is to be made.

## **Division 2 Local government committees**

### **60 What div 2 is about**

This division is about committees of local governments.

### **61 Appointment of committees**

- (1) A local government may—
  - (a) appoint, from its councillors, standing committees or special committees; and

- (b) appoint advisory committees.
- (2) Two or more local governments may appoint, from their councillors, a joint standing committee.

## **62 Advisory committees**

- (1) An advisory committee—
  - (a) must not be appointed as a standing committee; and
  - (b) may include in its members persons who are not councillors.
- (2) A member of an advisory committee (whether or not they are a councillor) may vote on business before the committee.

## **63 Alternate members of committees**

- (1) A local government that appoints a committee may appoint 1 person as an alternate member of the committee.
- (2) An *alternate member*, of a committee, is a person who attends meetings of the committee and acts as a member of the committee only if another member of the committee is absent from the meeting of the committee.

## **64 Chairperson of committee**

- (1) A local government may appoint a chairperson of each committee.
- (2) If the local government does not appoint a chairperson for a committee, the committee may appoint 1 of its members as chairperson.
- (3) If the chairperson is not present at a meeting, the members present may appoint a chairperson for the meeting.

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**65 Frequency of meetings**

Meetings of a committee are held at the times and places decided by the committee.

**66 Quorum**

A quorum of a committee is the number—

- (a) fixed by the local government that appointed the committee; or
- (b) if a number is not fixed by the local government—fixed by the committee.

**67 Procedure at meetings**

- (1) Business may be conducted at a meeting of a committee only if a quorum is present.
- (2) At a meeting of a committee—
  - (a) voting must be open; and
  - (b) a question is decided by a majority of the voters of the members present; and
  - (c) each member present has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote; and
  - (d) if a member present fails to vote, the member is taken to have voted in the negative.



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## **Division 3**                      **Common provisions for local government and committee meetings**

### **68**      **What div 3 is about**

- (1) This division is about the meetings of a local government (including meetings of its committees).
- (2) In this division *meeting* means—
  - (a) a meeting of the local government; or
  - (b) a meeting of a committee of a local government.

### **69**      **Minutes**

- (1) A local government's chief executive officer must ensure minutes of each meeting are taken under the supervision of the person presiding at the meeting.
- (2) Minutes of each meeting must include—
  - (a) the names of councillors or committee members present at the meeting; and
  - (b) if a division is called on a question—the names of all persons voting on the question and how they voted.
- (3) At each meeting, the minutes of the previous meeting must be—
  - (a) confirmed by the councillors or committee members present; and
  - (b) signed by the person presiding at the later meeting.
- (4) A copy of the minutes of each meeting—
  - (a) must be available for inspection by the public, at a local government's public office and on its website, within 10 days after the end of the meeting; and

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- (b) when the minutes have been confirmed—must be available for purchase at the local government’s public office.
- (5) The price for purchasing the minutes must not be more than—
  - (a) the cost to the local government of having the copy printed and made available for purchase; and
  - (b) if the copy is supplied to a purchaser by post—the cost of postage.
- (6) This section does not apply to a committee to which a local government has, by resolution, exempted from the requirement to keep minutes of its proceedings.
- (7) A local government may only exempt a committee under subsection (6) if the committee’s only function is to advise, or otherwise make a recommendation to, the local government.
- (8) Also, a committee which has been exempted under subsection (6) must give the local government a written report of its deliberations and its advice or recommendations.

## **70 Recording of reasons for particular decisions**

- (1) This section applies if a decision made at a meeting is inconsistent with a recommendation or advice given to the local government by an advisor of the local government and either or both of the following apply to the decision—
  - (a) the decision is about entering into a contract the total value of which is more than the greater of the following—
    - (i) \$150000;
    - (ii) 1% of the local government’s net rate and utility charges as stated in the local government’s audited financial statements included in the local government’s most recently adopted annual report;
  - (b) the decision is inconsistent with—

- (i) the policy or approach ordinarily followed by the local government for the type of decision; or
- (ii) a policy previously adopted by the local government by resolution, whether or not as required by the Act, and still in force.

*Examples of decisions to which subsection (1) might apply—*

- the grant of a licence, permit or approval, however named, under an Act or local law
  - the grant of a concession, rebate or waiver in relation to an amount owed to the local government
  - disposing of land or a non-current asset
- (2) An **advisor**, of a local government, is a person—
    - (a) who is an employee of the local government or is otherwise engaged to provide services to the local government; and
    - (b) whose duties include giving a recommendation or advice.
  - (3) The chief executive officer of the local government must ensure the minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice.

## **71 Meetings in public unless otherwise resolved**

A meeting is open to the public unless the local government or committee has resolved that the meeting is to be closed under section 72.

## **72 Closed meetings**

- (1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss—
  - (a) the appointment, dismissal or discipline of employees;  
or

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- (b) industrial matters affecting employees; or
  - (c) the local government's budget; or
  - (d) rating concessions; or
  - (e) contracts proposed to be made by it; or
  - (f) starting or defending legal proceedings involving it; or
  - (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
  - (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- (2) However, a local government or committee can not resolve that a meeting be closed to the public if any person is to take part in the meeting by teleconferencing.
- (3) A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.
- (4) A local government or committee must not make a resolution (other than a procedural resolution) in a closed meeting.

## 73 Teleconferencing

- (1) **Teleconferencing** is the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in discussions as they happen.
- (2) A local government may allow a councillor to take part in a meeting by teleconferencing if a natural disaster or severe weather prevents the councillor from attending the place of the meeting.

*Example—*

Storms cause dangerously rough seas preventing a councillor in the Torres Strait from attending the place of a local government meeting.

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- (3) Also, a local government may apply, in writing, to the Minister for an approval to use teleconferencing at 1 or more meetings of the local government (a *teleconferencing approval*).
  - (4) The Minister must consider the application and may grant the application, with or without conditions, if the Minister is reasonably satisfied no councillor of the local government would, if the application were granted, be unable to properly perform their responsibilities under the Act.
  - (5) If the Minister grants the application—
    - (a) the Minister must give the local government written notice of the decision; and
    - (b) the local government must publish the details of the teleconferencing approval on its website.
  - (6) A councillor taking part in a meeting by teleconferencing is taken to have attended the meeting if—
    - (a) the councillor was simultaneously in audio contact with each other person at the meeting; and
    - (b) the local government approved the teleconferencing arrangement.

## **74 Public notice of meetings**

- (1) A local government must, at least once in each year, publish in a newspaper circulating generally in its area a notice of the days and times when its ordinary meetings, and the ordinary meetings of its standing committees, will be held.
- (2) The local government must display in a conspicuous place in its public office a notice of the days and times when—
  - (a) its meetings will be held; and
  - (b) meetings of its committees will be held.
- (3) The local government must immediately notify any change to the days and times mentioned in subsection (1) or (2) in the same way as the days and times were previously notified.

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- (4) A list of the items to be discussed at a meeting mentioned in subsection (2) must be open to inspection at the time the agenda for the meeting is made available to councillors.
- (5) Subsection (4) does not affect the right to discuss or deal with, at any meeting, items arising after the agenda for the meeting is made available to councillors.

## **Part 3                      Local government employees**

### **Division 1                      Disciplinary action against local government employees**

#### **75              What div 1 is about**

This division prescribes, for section 197(2) of the Act, when the chief executive officer may take, and the types of, disciplinary action.

#### **76              When disciplinary action may be taken**

The chief executive officer may take disciplinary action against a local government employee if the chief executive officer is satisfied the employee has—

- (a) failed to perform their responsibilities under the Act; or
- (b) failed to perform a responsibility under the Act in accordance with the local government principles; or
- (c) taken action under the Act in a way that is not consistent with the local government principles.

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## 77 Types of disciplinary action

- (1) The disciplinary action taken by the chief executive officer against a local government employee may be 1 or more of the following—
- (a) dismissal;
  - (b) demotion;
  - (c) a deduction from salary or wages of an amount of not more than 2 penalty units;
  - (d) a written reprimand or warning.

*Note—*

If the disciplinary action to be taken is dismissal, the dismissal must comply with the requirements under the *Industrial Relations Act 1999*, chapter 3.

- (2) A written reprimand or warning—
- (a) must state the following—
    - (i) the employee's conduct that is disapproved of;
    - (ii) the remedial action needed to rectify the conduct;
    - (iii) the period within which the remedial action is to be taken;
    - (iv) the possible consequences for a repeat of the conduct by the employee; and
  - (b) is part of a local government employee's employment record.

## 78 Deductions from salary or wages

- (1) If disciplinary action taken against a local government employee consists of a deduction from the salary or wages of the employee, the local government may make the deduction—

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- (a) if no appeal is brought against the disciplinary action—when the period for starting an appeal against the disciplinary action has ended; or
  - (b) if an appeal is brought against the disciplinary action and the decision on the appeal confirms the deduction or changes the amount of the deduction—when notice of the decision is given to the employee; or
  - (c) if an appeal is brought against the disciplinary action and the appeal is discontinued or struck out—when the appeal is discontinued or struck out.
- (2) If an appeal is brought against the disciplinary action taken against a local government employee and the decision on appeal changes the disciplinary action to a deduction from the salary or wages of the employee, the local government may make the deduction when notice of the decision is given to the employee.

## **79 Suspension of employees**

- (1) If the chief executive officer is satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action, the chief executive officer may suspend the employee from duty.
- (2) Suspension of a local government employee from duty does not affect the following—
  - (a) the continuity of the employee’s service in employment with the local government;
  - (b) the entitlements previously accrued to the employee from employment with the local government;
  - (c) the accrual of entitlements to the employee during the period of suspension.
- (3) A suspended employee must be paid the employee’s full remuneration as at the start of the suspension for the period of suspension.



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**80 Employee to be given notice of grounds for disciplinary action**

- (1) Before the chief executive officer takes disciplinary action against a local government employee, the chief executive officer must give the employee—
  - (a) written notice of the following—
    - (i) the disciplinary action to be taken;
    - (ii) the grounds on which the disciplinary action is taken;
    - (iii) the particulars of conduct claimed to support the grounds; and
  - (b) a reasonable opportunity to respond to the information contained in the written notice.
- (2) The grounds and particulars are taken to be the only grounds and particulars for the disciplinary action taken, and no other ground or particular of conduct can be advanced in any proceeding about the disciplinary action taken against the local government employee.

**81 Period for keeping records about disciplinary action**

If the chief executive officer takes disciplinary action against a local government employee, the officer must destroy any local government record about the disciplinary action no later than 2 years after the action is taken.

**Division 2 Appeal entity for disciplinary action**

**82 Appeal entity for disciplinary action—Act, s 197**

- (1) The Local Government Employee Disciplinary Appeal Board (the *appeal board*) is established.
- (2) The appeal board consists of the appropriately qualified persons (each a *board member*) appointed by the Minister.

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*Example of appropriately qualified person—*

A person who, because of another position held by the person, hears and decides appeals against disciplinary action taken against employees.

- (3) The function of the appeal board is to hear and decide appeals against a decision of the chief executive officer to take disciplinary action against a local government employee.
- (4) The appeal board is the entity prescribed for section 197(3) of the Act.

### **83 Cost of appeal board**

- (1) A board member is entitled to be paid the fees and allowances decided by the Minister.
- (2) Subsection (3) applies if disciplinary action is taken against a local government employee and the employee appeals to the appeal board.
- (3) The local government in which the employee is employed must reimburse the appeal board all expenses properly incurred in hearing the appeal (including fees and allowances payable to each board member).

## **Division 3 Appeals against disciplinary action**

### **84 What div 3 is about**

This division is about an appeal against a decision of a chief executive officer to take disciplinary action against a local government employee.

### **85 Grounds of appeal**

The local government employee may appeal to the appeal board on 1 or more of the following grounds—

- (a) there has been a failure to comply with procedures required by law for taking disciplinary action against the appellant;
- (b) the employee is innocent of the matter claimed as grounds for the disciplinary action;
- (c) the grounds for the disciplinary action are unreasonable or insufficient;
- (d) the disciplinary action taken is excessive.

## **86 How to start appeal**

- (1) The appeal is started by the local government employee—
  - (a) giving a written notice of appeal to the department's chief executive; and
  - (b) giving a copy of the notice to the chief executive officer.
- (2) The notice of appeal must—
  - (a) state the grounds for the appeal; and
  - (b) be given within 1 month after the local government employee is given notice of the disciplinary action to be taken under section 80 (the *appeal period*).
- (3) However, if a notice of appeal is given after the appeal period—
  - (a) the Minister still must appoint a person to form the appeal board for the appeal; and
  - (b) the appeal board must decide whether or not to hear the appeal.

## **87 Duties of appeal board**

In hearing the appeal, the appeal board must—

- (a) observe natural justice; and

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- (b) act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues.

## **88 Appeal board may decide procedures**

- (1) The appeal board—
  - (a) is not bound by the rules of evidence; and
  - (b) may inform itself in any way it considers appropriate; and
  - (c) may decide the procedures to be followed in the appeal, including, for example, whether—
    - (i) the appeal should be heard with other appeals; and
    - (ii) the parties should be heard together or separately; and
    - (iii) the parties should be heard, or evidence or submissions taken, by way of video link or another form of communication.
- (2) However, the appeal board must comply with this division.

## **89 Representation**

- (1) A party to the appeal may appear personally.
- (2) Also, the appeal board may give a party leave to be represented by a lawyer.

## **90 Preliminary hearing of appeals**

- (1) Without limiting section 88(1)(c), the appeal board may conduct a preliminary hearing of the appeal to decide interlocutory and other preliminary matters.
- (2) In a preliminary hearing, the appeal board may—
  - (a) make orders for the conduct of the appeal; or

- (b) require parties to make discovery or permit inspection of evidentiary material; or
- (c) require parties to file pleadings; or
- (d) strike out the appeal because it is frivolous or vexatious.

## **91 Appeal board's powers**

In hearing the appeal, the appeal board may—

- (a) act in the absence of a person who has been given reasonable notice; and
- (b) receive evidence on oath or by statutory declaration; and
- (c) adjourn the appeal; and
- (d) permit a document to be amended; and
- (e) disregard any defect, error, omission or insufficiency in a document.

## **92 Prosecution of appeal**

- (1) An appeal must be prosecuted diligently.
- (2) The appeal board may strike out an appeal if it considers the appellant is not prosecuting the appeal diligently.
- (3) The appeal may be discontinued by the local government employee by written notice given to the appeal board and the chief executive officer.

## **93 Decision on appeal**

- (1) In deciding the appeal, the appeal board may—
  - (a) allow the appeal, set aside the disciplinary action taken and order that the local government employee be restored, in all respects, to a position no less favourable than the employee would have been in if the disciplinary action had not been taken; or

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- (b) allow the appeal, set aside the disciplinary action taken and order the taking of the disciplinary action that, in the board's opinion, should be taken against the local government employee; or
  - (c) dismiss the appeal and confirm the disciplinary action taken.
- (2) If an appeal board is satisfied the local government employee was not given written notice under section 80, the board must allow the appeal and order that the employee be restored, in all respects, to a position no less favourable than the employee would have been in if the disciplinary action had not been taken.
  - (3) In assessing whether disciplinary action is excessive, an appeal board may have regard to the local government employee's employment record.
  - (4) A decision on the appeal must be written and state the reasons for the decision.
  - (5) The appeal board must give a copy of a decision on an appeal to the parties to the appeal as soon as possible after making the decision.

## **94 Notice to witness**

- (1) The appeal board may, by written notice given to a person, require the person to attend the hearing of the appeal at a stated time and place to give evidence or produce stated documents.
- (2) A person required to appear as a witness before the appeal board is entitled to the reasonable witness fees decided by the appeal board.
- (3) Fees to which a witness is entitled under subsection (2) must be paid to the witness—
  - (a) if the witness is called by the local government employee to give evidence—by the employee; and
  - (b) otherwise—by the local government for the employee.

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**95 Duty of witness at appeal**

- (1) A person appearing as a witness at the appeal must not—
- (a) fail to take an oath or make an affirmation when required by the appeal board; or
  - (b) fail, without reasonable excuse, to answer a question the person is required to answer by the appeal board; or
  - (c) fail, without reasonable excuse, to produce a document the person is required to produce by a notice under section 94(1).

Maximum penalty—20 penalty units.

- (2) It is a reasonable excuse for a person to fail to answer a question or produce a document if answering the question or producing the document might tend to incriminate the person.

**96 Leave for attending an appeal**

- (1) A local government must give leave of absence on full pay to an employee who gives evidence at the appeal (including the council employee to whom the appeal relates).
- (2) The leave of absence must be for the period reasonably necessary for attending the appeal.

**97 Contempt of appeal board**

A person must not—

- (a) insult the person forming the appeal board in the appeal; or
- (b) deliberately interrupt the appeal; or
- (c) create or continue, or join in creating or continuing, a disturbance in or near a place where the appeal board is conducting the appeal; or

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- (d) do anything that would be a contempt of court if the person forming the appeal board were a judge acting judicially.

Maximum penalty—20 penalty units.

## 98 Change of person forming appeal board

The appeal is not affected by a change in the person forming the appeal board.

## Division 4 Portability of long service leave

### 99 What div 4 is about

- (1) This division is about the continuation of particular local government employees' accrued rights to long service leave and recognition of their previous periods of employment.
- (2) A person's *accrued right to long service leave* is the person's entitlement to take long service leave after having completed a minimum period of employment with an employer.
- (3) This division applies if—
  - (a) a person is employed (the *new employment*) by a relevant entity (the *new employer*); and
  - (b) the person was previously employed (the *former employment*) by a relevant entity (the *former employer*); and
  - (c) the period between ending the former employment and beginning the new employment is not longer than 1 year; and
  - (d) the person did not receive a payment from the former employer of an amount as a cash equivalent for accrued long service leave.
- (4) However, this division does not apply if—



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- (a) the new employer is a distributor-retailer or a water entity; and
  - (b) the former employer is a distributor-retailer or a water entity.
- (5) A **relevant entity** is—
- (a) a local government; or
  - (b) a corporate entity; or
  - (c) a distributor-retailer; or
  - (d) a water entity; or
  - (e) another entity that is controlled or owned by a local government.
- (6) A **distributor-retailer** is a distributor-retailer under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.
- (7) A **water entity** is a water entity under the *South East Queensland Water (Restructuring) Act 2007*.

## **100 Continuation of particular local government employees' accrued rights to long service leave**

- (1) The person's accrued right to long service leave, in relation to the former employment, is continued, in relation to the new employment, as an accrued right to long service leave as an employee of the new employer.
- (2) From the start of the new employment, the new employer has the same obligations in relation to the person's accrued right to long service leave as the former employer had in relation to the person, at the end of the former employment.

### *Example—*

If a person was entitled to take 11 weeks long service leave at the time the former employment ended, the person continues to be entitled to take 11 weeks long service leave after the start of the new employment. The entitlement would not be subject to completing any further period of employment with the new employer.

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- (3) However, after the start of the new employment, the person continues to accrue rights to long service leave only under the same conditions as an employee of the new employer who is not a person to whom this division applies.

### **101 Recognition of previous periods of employment for particular local government employees**

- (1) This section applies when determining the person's accrued right to long service leave in relation to the new employer.
- (2) The person's period of employment with the former employer, in addition to the person's period of employment with the new employer, is taken to be the person's period of employment with the new employer.

*Example—*

A person is taken to have completed a period of employment of 10 years with a new employer if the person completed a period of employment of 6 years with a former employer and a period of employment of 4 years with the new employer.

### **102 Payment by former employer to new employer towards long service leave entitlements accrued with former employer**

- (1) The former employer must pay the new employer an amount for the number of days of long service leave that the person—
  - (a) is entitled to take because of the person's period of employment with the former employer; or
  - (b) would have been entitled to take, because of the person's period of employment with the former employer, if there was no minimum period of employment to be completed before the entitlement accrued.
- (2) The amount—
  - (a) is the amount the former employer would have been required to pay the person if the person had taken the long service leave; and

- (b) must be paid within a reasonable time of being requested by the new employer.
- (3) A former employer of the person must provide the new employer of the person with the following information relating to the person—
  - (a) the length of accrued long service leave;
  - (b) any special leave taken by the person without salary;
  - (c) any long service leave taken by the person or any amount of cash paid to the person in lieu of long service leave;
  - (d) any undertaking given in relation to long service leave.

## **Part 4 Authorised person**

### **103 Who may be appointed as authorised persons—Act, s 202**

- (1) For section 202(2)(b)(ii) of the Act, each of the following types of persons are prescribed—
  - (a) a person who contracts with the relevant local government to provide services to it for the administration or enforcement of a Local Government Act;
  - (b) a person who is an employee of an entity that contracts with the relevant local government to provide services to it for the administration or enforcement of a Local Government Act;
  - (c) a person who is an employee of another local government and who performs duties for the relevant local government under an arrangement between the relevant local government and the other local government.

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- (2) The *relevant local government* is the local government that employs the chief executive officer.

## Part 5 Register of interests

### 104 What pt 5 is about

- (1) This part is about the register of interests of the following persons—
- (a) councillors;
  - (b) chief executive officers;
  - (c) senior contract employees;
  - (d) a person who is related to a councillor, chief executive officer or senior contract employee.
- (2) A person is *related* to a councillor, chief executive officer or senior contract employee (the *primary party*) if—
- (a) the person is the primary party's spouse; or
  - (b) the person is totally or substantially dependent on the primary party and—
    - (i) the person is the primary party's child; or
    - (ii) the person's affairs are so closely connected with the affairs of the primary party that a benefit derived by the person, or a substantial part of it, could pass to the primary party.

### 105 Who maintains registers of interests

- (1) The chief executive officer must maintain a register of interests of the following persons—
- (a) councillors;

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- (b) senior contract employees;
  - (c) a person who is related to a councillor or senior contract employee.
- (2) The mayor must maintain a register of interests of the following persons—
- (a) the chief executive officer;
  - (b) a person who is related to the chief executive officer.

## 106 Contents of registers of interests

- (1) A register of interests of the following persons must contain the financial and non-financial particulars mentioned in schedule 3—
- (a) councillors;
  - (b) chief executive officers;
  - (c) senior contract employees;
  - (d) a person who is related to a councillor, chief executive officer or senior contract employee.
- (2) For subsections (3), (4) and (5), the *relevant person* is a councillor, chief executive officer or senior contract employee.
- (3) However, the register of interests of a relevant person must contain only the particulars about interests held by the relevant person—
- (a) alone; or
  - (b) jointly, or in common, with a person who is related to the relevant person.
- (4) Also, a register of interests of a person who is related to a relevant person must contain only the particulars about interests held by the person—
- (a) alone; or
  - (b) jointly, or in common, with the relevant person.

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- (5) If a relevant person's interests held jointly, or in common, with a person who is related to the relevant person are included in the register of the relevant person's interests, the interests need not be included in the register of interests of the person who is related to the relevant person.

### **107 Obligation to notify if interest in register no longer correct**

- (1) Subsection (2) applies if a councillor knows—
- (a) of an interest that must be recorded in a register of interests under section 106 in relation to the councillor or a person who is related to the councillor; or
  - (b) that particulars of an interest recorded in a register under section 106 in relation to the councillor or a person who is related to the councillor are no longer correct.
- (2) The councillor must, in the approved form, inform the chief executive officer of the interest or the correct particulars within 30 days after the councillor knows of the interest or correct particulars.

Maximum penalty—85 penalty units.

- (3) Subsection (4) applies if the chief executive officer knows—
- (a) of an interest that must be recorded in a register of interests under section 106 in relation to the chief executive officer or a person who is related to the chief executive officer; or
  - (b) that particulars of an interest recorded in a register under section 106 in relation to the chief executive officer or a person who is related to the chief executive officer are no longer correct.
- (4) The chief executive officer must, in the approved form, inform the mayor of the interest or the correct particulars within 30 days after the chief executive officer knows of the interest or correct particulars.

Maximum penalty—85 penalty units.

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- (5) Subsection (6) applies if a senior contract employee knows—
- (a) of an interest that must be recorded in a register of interests under section 106 in relation to the employee or a person who is related to the employee; or
  - (b) that particulars of an interest recorded in a register under section 106 in relation to the employee or a person who is related to the employee are no longer correct.
- (6) The senior contract employee must, in the approved form, inform the chief executive officer of the interest or the correct particulars within 30 days after the employee knows of the interest or correct particulars.

Maximum penalty—85 penalty units.

## **108 Who may inspect a register of interests**

- (1) A register of interests of a councillor may be inspected by the public.
- (2) Subsection (3) applies to a register of interests of—
  - (a) chief executive officers; or
  - (b) senior contract employees; or
  - (c) persons who are related to a councillor, chief executive officer or senior contract employee.
- (3) The register of interests is only open to inspection by the following persons—
  - (a) a councillor;
  - (b) the chief executive officer;
  - (c) another person permitted by law to have access to information in the register.
- (4) To remove any doubt, it is declared that subsection (3) does not operate to allow a councillor or chief executive officer of one local government to inspect a register of interests of another local government.

## **109 Access to registers of interests**

- (1) This section applies if a person wishes to inspect a register of interests.
- (2) A person seeking access to a register of interests must apply in writing to—
  - (a) for the register of interests of the chief executive officer or persons who are related to the chief executive officer—the mayor; or
  - (b) otherwise—the chief executive officer.
- (3) The chief executive officer or mayor must record—
  - (a) the name and home or business address of each person given access to a register of interests by the chief executive officer or mayor; and
  - (b) the day the access is given.
- (4) If the chief executive officer or mayor give access to a register of interests, the chief executive officer or mayor must, as soon as practicable, inform the person to whom the register of interests relates of the day the access was given.

## **110 Public extract of registers of interests**

- (1) The local government must ensure a public extract of a register of interests for councillors may be inspected by the public—
  - (a) at the local government’s public office; and
  - (b) on its website.
- (2) A *public extract*, of a register of interests for councillors, is the information included in the register of interests if the information relates to any of the following—
  - (a) gifts received;
  - (b) hospitality benefits received, including sponsored hospitality benefits;



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- (c) memberships of organisations.
  - (3) A *gift* is—
    - (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.
  - (4) A person receives a *sponsored hospitality benefit* if—
    - (a) the 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 person or their spouse.

## 111 Queries on contents of register of interests

- (1) A person who suspects on reasonable grounds that a register of interests does not contain particulars that should be in the register may inform—
  - (a) if the suspicion relates to the register of interests of the chief executive officer or persons who are related to the chief executive officer—the mayor; or
  - (b) otherwise—the chief executive officer.
- (2) The chief executive officer or mayor must immediately inform the following person (the *informed person*)—
  - (a) if the register of interest relates to a councillor or a person who is related to a councillor—the councillor;
  - (b) if the register of interest relates to the mayor or a person who is related to the mayor—the mayor;

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- (c) if the register of interest relates to the chief executive officer or a person who is related to the chief executive officer—the chief executive officer;
  - (d) if the register of interests relates to a senior contract employee or a person who is related to the senior contract employee—the senior contract employee.
- (3) The informed person must, within 30 days of being informed, establish whether the register of interests should be amended to make it a true record of fact.
- (4) If the informed person establishes that the register of interests does not need to be amended, the person must—
- (a) complete a statutory declaration stating that the particulars in the register of interests are a true record of fact; and
  - (b) give the statutory declaration to—
    - (i) if the informed person is the chief executive officer—the mayor; or
    - (ii) otherwise—the chief executive officer.

## **112 Improper disclosure of registers of interests**

- (1) A person must not knowingly disclose information obtained from a register of interests if it is not a true copy, or a fair summary, of the contents of the register of interests.

Maximum penalty—85 penalty units.

- (2) A person must not knowingly disclose information obtained from a register of interests of the following persons, other than to a person mentioned in section 108(3)—
- (a) a chief executive officer;
  - (b) a senior contract employee;
  - (c) a person related to a councillor, chief executive officer or senior contract employee.

Maximum penalty—85 penalty units.

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## Chapter 6 Other provisions

### Part 1 Way to hold a hearing

#### 113 Procedural rules for hearings—Act, s 213

For section 213(3) of the Act, a hearing must be held in public unless the investigator directs the hearing is to be held in private.

#### 114 Witness fees—Act, s 214

For section 214(4)(a) of the Act, the witness fees prescribed are the allowances for witnesses and other persons prescribed under the QCAT Act.

*Editor's note—*

For the witness fees prescribed under the QCAT Act, see the *Queensland Civil and Administrative Regulation 2009*, part 4.

### Part 2 Superannuation

#### 115 Local government entities—Act, s 216

For the Act, section 216(3), definition *local government entity*, each of the entities mentioned in schedule 4 is prescribed.

#### 116 Persons eligible for membership of the scheme—Act, s 218

For section 218(2)(h) of the Act, a person mentioned in schedule 5 is prescribed.

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**117 Interest payable on outstanding contributions—Act, s 224**

For section 224(4)(a) of the Act, the annual rate of interest is 14%.

## **Part 3 Delegation of powers**

**118 Particulars to be contained in register of delegations—Act, s 260**

- (1) For section 260(1) of the Act, the particulars prescribed for a register of delegations are—
  - (a) the name or title of the person, or the name of the committee, to whom powers are delegated; and
  - (b) a description of the powers delegated, including the provisions under a Local Government Act permitting or requiring the exercise of the powers; and
  - (c) if the delegation was by the local government—a summary of the resolution by which powers are delegated, including—
    - (i) the date of the resolution; and
    - (ii) a summary of any conditions to which the delegation is subject; and
    - (iii) if the resolution is numbered—its number.
- (2) The chief executive officer may include any other information in the register the chief executive officer considers appropriate.

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## Part 4                      **Process for resolving administrative action complaints**

### 119    **Process for resolving administrative action complaints**

- (1) This section provides, for section 268(4) of the Act, the process for resolving complaints about administrative actions of the local government made by affected persons.
- (2) By 1 July 2011 a local government must, by resolution, adopt—
  - (a) a complaints management process that effectively manages complaints from their receipt to their resolution; and
  - (b) written policies and procedures supporting the complaints management process.
- (3) A *complaints management process* is a process for resolving complaints about administrative actions of the local government that—
  - (a) covers all administrative action complaints made to the local government; and
  - (b) requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and
  - (c) includes the criteria considered when assessing whether to investigate a complaint; and
  - (d) requires the local government to inform an affected person of the local government’s decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.
- (4) The local government must—
  - (a) record all administrative action complaints; and
  - (b) ensure the public may inspect the complaints management process (including the related policies and

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- procedures) at the local government's public office and on its website; and
- (c) ensure internal reports are occasionally provided to senior management about the operation of the complaints management process; and
  - (d) ensure mechanisms are in place to—
    - (i) identify, analyse and respond to complaint trends; and
    - (ii) monitor the effectiveness of the complaints management process (by monitoring the time taken to resolve complaints, for example).
- (5) To remove any doubt, it is declared that in deciding if a complaint is an administrative action complaint it is irrelevant—
- (a) how quickly the complaint was resolved; or
  - (b) to which area of a local government the complaint was made; or
  - (c) whether the complaint was a written or verbal complaint; or
  - (d) whether or not the complaint was made anonymously.
- (6) Before 1 July 2011 a local government may continue to follow the general complaints process under the 1993 Act.

*Editor's note—*

Under the *Local Government (Finance, Plans and Reporting) Regulation 2010*, section 115 a local government must include particular information relating to the complaints management process in the local government's annual report.

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## Part 5 Reporting missing local government property

### 120 Report of missing property

- (1) This section applies if—
  - (a) a local government becomes aware that property of, or received by, it is missing; and
  - (b) the property has a total value of \$1000 or more.
- (2) The local government must immediately give written notice to the auditor-general.
- (3) Also, if the local government suspects the property may have been stolen, the local government must immediately give written notice to a police officer.

## Part 6 Equal opportunity of employment

### Division 1 Preliminary

#### 121 What pt 6 is about

- (1) This part is about—
  - (a) requiring each local government to develop and implement an EEO management plan; and
  - (b) establishing procedures to monitor compliance with the requirements.
- (2) An *EEO management plan* is a plan capable of—

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- (a) enabling members of the target groups to do the following as effectively as people who are not members of the target groups—
    - (i) compete for recruitment, selection, promotion and transfer in the particular local government;
    - (ii) pursue careers in the particular local government; and
  - (b) eliminating unlawful discrimination by the particular local government or its employees against members of the target groups in employment matters.
- (3) The **target groups** are any of the following—
- (a) Aborigines or Torres Strait Islanders;
  - (b) people who have migrated to Australia and whose first language is a language other than English, and the children of those people;
  - (c) people with a physical, sensory, intellectual or psychiatric disability, whether the disability presently exists or previously existed but no longer exists;
  - (d) persons of the female sex, irrespective of age.
- (4) **Employment matters** are any matters about the employment of an employee, including the following—
- (a) recruitment procedure and selection criteria, for appointment or engagement of a person as an employee;
  - (b) promotion and transfer of an employee;
  - (c) training and staff development for an employee;
  - (d) terms of service and separation of an employee.
- (5) **Unlawful discrimination** means discrimination that is unlawful under the *Anti-Discrimination Act 1991*.



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## **122 Purpose and role of equality of employment opportunity**

- (1) The purpose of this part is to promote equality of employment opportunity in local governments.
- (2) Equality of employment opportunity enhances the capacity of local governments to achieve their objectives by—
  - (a) improving organisational efficiency and productivity through the selection and employment of the best and most talented people; and
  - (b) fulfilling the social justice obligations of equity and fairness; and
  - (c) increasing the effectiveness of service delivery and decision-making by adopting an employee profile more accurately reflecting the community profile.
- (3) The *social justice obligations of equity and fairness* are obligations based on the idea that all people should be able to compete for employment on the basis of the ability to do the job.

## **123 Merit principle reinforced**

Nothing in this part is taken to require an action incompatible with the principle that recruitment, selection, promotion and transfer are to be dealt with on the basis of merit.

## **124 Exemption from compliance with this part**

- (1) The Minister may exempt a local government from complying with a requirement under this part if the Minister considers—
  - (a) the local government should have fewer than 40 employees; and
  - (b) the likely benefits to the local government of adopting and implementing an EEO management plan under this part are outweighed by the likely financial and administrative costs to the local government of adopting and implementing the plan.

[s 125]

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- (2) If the Minister, after considering the criteria set out in subsection (1), exempts the local government from complying with this part, the local government must comply with any conditions of the exemption.

## **Division 2                      Development of EEO management plan**

### **125      Local government to develop EEO management plan**

- (1) A local government must develop an EEO management plan to ensure appropriate action is taken by it—
  - (a) to promote equal employment opportunity for members of the target groups in employment matters; and
  - (b) to eliminate unlawful discrimination by it against members of the target groups in employment matters.
- (2) The EEO management plan must be—
  - (a) developed in time for implementation of the plan to begin when the local government's 5 year corporate plan is adopted; and
  - (b) published on the local government's website.

### **126      Steps to be followed in ongoing development of EEO management plan**

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 objectives consistent with the purposes of this part and develop a strategy for implementing the EEO management plan to achieve the objectives.

[s 127]

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### **Step 8—Assess implementation**

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

## **Division 3                    Implementation of EEO management plan**

### **127    Local government to give effect to EEO management plan**

A local government must take the action necessary to implement its EEO management plan.

### **128    Employment powers to be exercised having regard to EEO management plan**

A person who exercises powers relating to employment matters in a local government must have regard to the local government's EEO management plan in exercising the powers.

*Note—*

This section is subject to the principle mentioned in section 123 (Merit principle reinforced).

## **Division 4                    Supervision by department's chief executive**

### **129    Department's chief executive may take action if dissatisfied with EEO management plan of a local government**

- (1) This section applies if the department's chief executive is dissatisfied with any matter relating to the action taken by a local government—

- 
- (a) to promote equal employment opportunity for members of the target groups; or
  - (b) to eliminate unlawful discrimination by the local government against members of the target groups.
- (2) The department's chief executive may, by written notice, recommend to the local government's chief executive officer the action the local government should take to overcome the dissatisfaction.
  - (3) The notice must state the period within which the action the department's chief executive officer recommends be taken.
  - (4) A local government must comply with a notice given to its chief executive officer under subsection (2) within the period stated for the action unless the chief executive officer gives the department's chief executive written notice of the local government's reason for not complying with the recommendation.

## **Part 7                      Other provisions**

### **130      Department's address**

For schedule 4 of the Act, definition *State office*, the department's address is—

Department of Infrastructure and Planning  
Level 12 Executive Building  
100 George Street  
BRISBANE Q 4000

### **131      LGAQ Ltd.—Act, s 287**

For section 287(2), the corporation prescribed is the Local Government Association of Queensland Ltd. ABN 11 010 883 293.

# Schedule 1 Prescribed information about local governments

sections 5 to 8

Column 1	Column 2	Column 3	Column 4	Column 5
Local government	Class	Area map	Number of councillors assigned to each division	Total number of councillors (including mayor)
Aurukun	shire	LGRB 2	area not divided	5
Balonne	shire	LGRB 3	area not divided	5
Banana	shire	LGRB 4 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1	7
Barcaldine	region	LGRB 5	area not divided	7
Barcoo	shire	LGRB 6	area not divided	5
Blackall Tambo	region	LGRB 8 edition 2	division 1—1 division 2—1 division 3—1 division 4—1	5
Boulia	shire	LGRB 9	area not divided	5
Bulloo	shire	LGRB 10	area not divided	5
Bundaberg	region	LGRB 11 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1	11
Burdekin	shire	LGRB 12	area not divided	7
Burke	shire	LGRB 13	area not divided	5

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Class</b>	<b>Area map</b>	<b>Number of councillors assigned to each division</b>	<b>Total number of councillors (including mayor)</b>
Cairns	region	LGRB 14 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1	11
Carpentaria	shire	LGRB 15	area not divided	5
Cassowary Coast	region	LGRB 16 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1	7
Central Highlands	region	LGRB 25	area not divided	9
Charters Towers	region	LGRB 17 edition 2	area not divided	7
Cherbourg	shire	LGRB 18	area not divided	5
Cloncurry	shire	LGRB 19	area not divided	5
Cook	shire	LGRB 20	area not divided	7
Croydon	shire	LGRB 21	area not divided	5
Diamantina	shire	LGRB 23	area not divided	5
Doomadgee	shire	LGRB 24	area not divided	5
Etheridge	shire	LGRB 26	area not divided	5
Flinders	shire	LGRB 27 edition 2	area not divided	5
Fraser Coast	region	LGRB 28	area not divided	11
Gladstone	region	LGRB 29	area not divided	9

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Class</b>	<b>Area map</b>	<b>Number of councillors assigned to each division</b>	<b>Total number of councillors (including mayor)</b>
Gold Coast	city	LGRB 30 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1 division 11—1 division 12—1 division 13—1 division 14—1	15
Goondiwindi	region	LGRB 31	area not divided	7
Gympie	region	LGRB 32	area not divided	9
Hinchinbrook	shire	LGRB 33	area not divided	7
Hope Vale	shire	LGRB 34	area not divided	5
Ipswich	city	LGRB 35 edition 3	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1	11
Isaac	region	LGRB 36 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1	9
Kowanyama	shire	LGRB 37	area not divided	5
Lockhart River	shire	LGRB 38	area not divided	5



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Class</b>	<b>Area map</b>	<b>Number of councillors assigned to each division</b>	<b>Total number of councillors (including mayor)</b>
Lockyer Valley	region	LGRB 39	area not divided	7
Logan	city	LGRB 40 edition 3	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1 division 11—1 division 12—1	13
Longreach	region	LGRB 41 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1	7
Mackay	region	LGRB 42	area not divided	11
Mapoon	shire	LGRB 43	area not divided	5
Maranoa	region	LGRB 59 edition 2	area not divided	9
McKinlay	shire	LGRB 44	area not divided	5
Moreton Bay	region	LGRB 50 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1 division 11—1 division 12—1	13
Mornington	shire	LGRB 45	area not divided	5
Mount Isa	city	LGRB 46	area not divided	7

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Class</b>	<b>Area map</b>	<b>Number of councillors assigned to each division</b>	<b>Total number of councillors (including mayor)</b>
Murweh	shire	LGRB 47	area not divided	5
Napranum	shire	LGRB 48	area not divided	5
North Burnett	region	LGRB 49 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1	7
Northern Peninsula Area	region	LGRB 51	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1	6
Palm Island	shire	LGRB 52	area not divided	5
Paroo	shire	LGRB 53	area not divided	5
Pormpuraaw	shire	LGRB 54	area not divided	5
Quilpie	shire	LGRB 55	area not divided	5
Redland	city	LGRB 56 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1	11
Richmond	shire	LGRB 57	area not divided	5
Rockhampton	region	LGRB 58 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1	11

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Class</b>	<b>Area map</b>	<b>Number of councillors assigned to each division</b>	<b>Total number of councillors (including mayor)</b>
Scenic Rim	region	LGRB 7 edition 4	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1	7
Somerset	region	LGRB 60	area not divided	7
South Burnett	region	LGRB 61 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1	7
Southern Downs	region	LGRB 62 edition 2	area not divided	9
Sunshine Coast	region	LGRB 63 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1 division 11—1 division 12—1	13
Tablelands	region	LGRB 64 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1	9
Toowoomba	region	LGRB 65	area not divided	11
Torres	shire	LGRB 66	area not divided	5

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Local government</b>	<b>Class</b>	<b>Area map</b>	<b>Number of councillors assigned to each division</b>	<b>Total number of councillors (including mayor)</b>
Torres Strait Island	region	LGRB 67	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1 division 11—1 division 12—1 division 13—1 division 14—1 division 15—1	16
Townsville	city	LGRB 68	area not divided	13
Western Downs	region	LGRB 22 edition 2	area not divided	9
Whitsunday	region	LGRB 69 edition 2	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1	7
Winton	shire	LGRB 70	area not divided	5
Woorabinda	shire	LGRB 71	area not divided	5
Wujal Wujal	shire	LGRB 72	area not divided	5
Yarrabah	shire	LGRB 73	area not divided	5

## **Schedule 2      Aboriginal shire councils**

section 5(3)

Cherbourg  
Doomadgee  
Hope Vale  
Kowanyama  
Lockhart River  
Mapoon  
Napranum  
Palm Island  
Pormpuraaw  
Woorabinda  
Wujal Wujal  
Yarrabah

## **Schedule 3      Financial and non-financial particulars for registers of interests**

section 106(1)

### **1      Definitions for sch 3**

In this schedule—

***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.

***debenture*** see the Corporations Act, section 9.

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

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

***relevant person*** means any of the following persons—

- (a) a councillor;
- (b) a chief executive officer;
- (c) a senior contract employee;
- (d) a person who is related to a councillor, chief executive officer or senior contract employee.

***securities*** see the Corporations Act, section 9.

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

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**2 Controlling interest in corporation**

The particulars required for each corporation in which a relevant 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.

**3 Officer of corporation**

The particulars required for each corporation of which a relevant 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.

**4 Beneficial interest in trust or nominee corporation**

The particulars required for each family or business trust or nominee corporation in which a relevant 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.

## **5 Trustee for trust**

The particulars required for each family or business trust of which a relevant 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.

## **6 Partnership and joint venture**

The particulars required for each partnership or joint venture in which a relevant 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.

## **7 Land**

The particulars required for all land in which a relevant 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.



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## 8 Liability

- (1) The particulars required for each liability, other than department store and credit card accounts, of a relevant 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 person'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 person holds securities.

*trust* means a trust of which a relevant person is a beneficiary.

## 9 Debentures and similar investments

The particulars required for each debenture or similar investment held by a relevant 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.

## 10 Savings and investment accounts

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

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

**11 Gifts totalling more than \$500**

- (1) The particulars required for each gift, or all gifts totalling, more than \$500 in amount or value given to a relevant person by another person (a *donor*) 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) a person who is related to the relevant person; or
  - (b) someone else who is related by blood or marriage to the relevant person; or
  - (c) the relevant person's friend.
- (3) However, the relevant person 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 a duty the person has under the Act.

**12 Sponsored hospitality benefit**

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

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

**13 Membership of political party, body or association, or trade or professional organisation**

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

**14 Other assets with value more than \$5000**

- (1) The particulars required for each other asset of a relevant person with a value of more than \$5000 are sufficient details of the asset to identify it.

- (2) This section does not apply to the following—
- (a) household and personal effects;
  - (b) a motor vehicle used mainly for personal use;
  - (c) superannuation entitlements.

**15 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 person;
- (b) a proprietary company, or trust, in which the relevant person holds securities.

**16 Other financial or non-financial interests**

- (1) The particulars required for each other interest of a relevant person are sufficient details of the interest to identify it.

- (2) In this section—

*interest*, of the relevant person, means a financial or non-financial interest—

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

## **Schedule 4      Prescribed local government entities**

section 115

Burdekin Cultural Complex Board Inc.

Central Queensland Local Government Association Inc.

Central Western Queensland Remote Area Planning and Development Board

Empire Theatres Pty Ltd ACN 086 482 288

Gold Coast Arts Centre Pty Ltd ACN 850 607 874 66

Herbert River Improvement Trust

Local Buy Pty Ltd ACN 090 446 487

Local Government Association of Queensland Ltd. ABN 11 010 883 293

Northern SEQ Distributor-Retailer Authority

Queensland Water Directorate

Southern SEQ Distributor-Retailer Authority

Sunshine Coast Events Centre Pty Ltd ACN 127 655 510

Wide Bay Water Corporation

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## **Schedule 5      Prescribed members of the LG super scheme**

### **Section 116**

- 1 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 LG super scheme
- 2 a person who is an employee of the following—
  - (a) Resolute Information Technology; or
  - (b) the Local Government Managers Australia (QLD) Inc.
- 3 a person who—
  - (a) is an employee of South East Queensland Water Corporation Limited ACN 088 729 766; and
  - (b) was, immediately before 17 March 2000, an employee of the South East Queensland Water Board established under the repealed *South East Queensland Water Board Act 1979*; and
  - (c) was a member of the LG super scheme
- 4 a person—
  - (a) who was a member of the LG super scheme or of a type mentioned in item 2 or 3; and
  - (b) who has stopped being a member or person of that type; and
  - (c) whose benefit under the LG super scheme or related persons scheme has not been fully paid out, withdrawn or transferred from the scheme

## Schedule 6 Dictionary

### section 3

*accrued right to long service leave*, for chapter 5, part 3, division 4, see section 99(2).

*appeal board* see section 82(1).

*area map* means a map showing the boundaries of a local government area.

*board member* see section 82(2).

*EEO management plan*, for chapter 6, part 6, see section 121(2).

*employment matters*, for chapter 6, part 6, see section 121(4).

*expenses reimbursement policy* see section 44(2).

*foreshore* means land between the high-water mark and low-water mark during ordinary spring tides.

*former employer*, for chapter 5, part 3, division 4, see section 99(3)(b).

*former employment*, for chapter 5, part 3, division 4, see section 99(3)(b).

*gift* see section 110(3).

*meeting*, for chapter 5, part 2, division 3, see section 68(2).

*new employer*, for chapter 5, part 3, division 4, see section 99(3)(a).

*new employment*, for chapter 5, part 3, division 4, see section 99(3)(a).

*related* see section 104(2).

*remuneration schedule* see section 42(2).

*senior contract employee* is a local government employee who is employed—

(a) on a contractual basis; and

- (b) in a position that reports directly to the chief executive officer.

*sponsored hospitality benefit* see section 110(4).

*target groups*, for chapter 6, part 6, see section 121(3).

*teleconferencing* see section 73(1).

*unlawful discrimination*, for chapter 6, part 6, see section 121(5).

# Endnotes

## 1 Index to endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Local Government (Operations) Regulation 2010 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 2010	

## 5 List of legislation

### **Local Government (Operations) Regulation 2010 SL No. 125**

made by the Governor in Council on 17 June 2010

notfd gaz 18 June 2010 pp 529–35

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

exp 1 September 2020 (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.

## 6 List of annotations

### **CHAPTER 3—THE BUSINESS OF LOCAL GOVERNMENTS**

#### **PART 3—LEVY ON KURANDA RAIL LINE**

pt 3 (ss 30–35) exp 30 June 2021 (see s 35)

#### **Councillors and local government jobs—Act, s 167**

s 49 exp on the day of the quadrennial elections for 2012 (see s 49(3))

### **CHAPTER 7—AMENDMENT OF REGULATIONS**

ch hdg om R1 (see RA s 7(1)(k))

#### **PART 1—AMENDMENT OF LOCAL GOVERNMENT REFORM IMPLEMENTATION (TRANSFERRING AREAS) REGULATION 2007**

pt 1 (ss 132–133) om R1 (see RA ss 7(1)(k) and 40)

#### **PART 2—AMENDMENT OF LOCAL GOVERNMENT REFORM IMPLEMENTATION REGULATION 2008**

pt 2 (ss 134–135) om R1 (see RA ss 7(1)(k) and 40)