

Queensland



**LOCAL GOVERNMENT
LEGISLATION
AMENDMENT ACT 1994**

Act No. 1 of 1994

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Queensland



**Local Government Legislation Amendment
Act 1994**

Act No. 1 of 1994

An Act to amend certain local government legislation

[Assented to 24 February 1994]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Local Government Legislation Amendment Act 1994*.

Commencement

2. Part 2 is taken to have commenced on 1 February 1994.

PART 2—AMENDMENT OF CITY OF BRISBANE ACT 1924

Act amended

3. This Part amends the *City of Brisbane Act 1924*.

Amendment of s 17 (Provisions concerning elections)

4.(1) Section 17(5) and (6)—

omit, insert—

‘(5) The Electoral Act applies to the conduct of elections with any necessary changes and any changes prescribed by regulation.

‘(6) For the purpose of applying the Electoral Act to elections—

(a) the chief returning officer has the powers and functions of the Electoral Commission and returning officers under the Electoral Act; and

(b) returning officers have the powers and functions of returning

officers under the Electoral Act.

‘(7) The chief returning officer may delegate the officer’s powers under this Act to a returning officer.’.

PART 3—AMENDMENT OF LOCAL GOVERNMENT ACT 1993

Act amended

5. This Part amends the *Local Government Act 1993*.

Amendment of s 2 (Commencement)

6. Section 2—

insert—

‘(1A) Chapter 13 (General), Part 3 (Postponement of certain local government elections) commences on the day this subsection commences.’.

Insertion of new Chap 13, Pt 3

7. After Chapter 13, Part 2—

insert—

‘PART 3—POSTPONEMENT OF CERTAIN LOCAL GOVERNMENT ELECTIONS

‘Definitions

‘752A. In this Part—

“affected local governments” means—

- (a) the Council of the City of Warwick; and
- (b) the Council of the Shire of Allora; and

- (c) the Council of the Shire of Glengallan; and
- (d) the Council of the Shire of Rosenthal;

“relevant reviewable local government matters” means the reviewable local government matters referred to the Commissioner under the *Local Government Act 1936* on 21 January 1994 about the affected local governments’ areas and parts of the Shire of Stanthorpe’s area.

‘Postponement of affected local governments’ elections

‘752B.(1) Despite section 217 (Date of next triennial elections), the 1994 triennial elections for the affected local governments are postponed pending the making and consideration of the Commissioner’s report on the relevant reviewable local government matters.

‘(2) The 1994 triennial elections for the affected local governments are to be held on the date prescribed by regulation.

‘(3) Subsection (2) is subject to the implementation of the relevant reviewable local government matters.

‘Effect of postponement of elections

‘752C.(1) Anything done before the commencement of this Part for the purposes of the 1994 triennial elections for the affected local governments is of no effect.

Example—

Nominations of candidates for election and postal ballots cast are of no effect.

‘(2) If a person has nominated as a candidate for an election, the returning officer for the election must refund the candidate’s deposit accompanying the person’s nomination.

‘(3) If postal ballots have been cast in an election, the returning officer for the election must destroy the used ballot papers.

‘Cut-off day for voters rolls for postponed elections

‘752D. The voters rolls for the 1994 triennial elections for the affected local governments must be compiled to the date prescribed by regulation.

‘Regulation making power

‘752E. A regulation may be made with respect to any matter for which—

- (a) it is necessary or convenient to facilitate the implementation of this Part; and
- (b) this Part does not, in the Governor in Council’s opinion, make provision or enough provision.

‘Expiry of Part

‘752F. This Part expires 1 year after it commences.’.

Amendment of Schedule (Amendment of Acts)

8.(1) Schedule, amendments 12 and 13 of the *Building Act 1975*—
omit, insert—

‘12. Section 12BA(2)(b)—

omit ‘clerk of the local authority’, insert ‘local government’.

‘13. Section 12D—

omit ‘By-laws’, insert ‘Law’.

‘13A. Section 12D—

omit ‘they’, insert ‘it’.’.

(2) Schedule, after amendment 14 of the *Building Act 1975*—
insert—

‘14A. Section 12E(5)—

omit ‘clerk of the local authority’, insert ‘local government’.’.

(3) Schedule, amendment 72 of the *Building Act 1975*—
omit, insert—

‘72. Section 64E—

omit ‘By-laws require that an act be done or not done but do not state’,
insert ‘Law requires that an act be done or not done but does not state’.

‘72A. Section 64E—

omit ‘by-laws’, *insert* ‘Standard Building Law’.’.