



Queensland

# **Local Government and Other Legislation Amendment Act 2005**

**Act No. 54 of 2005**





Queensland

# Local Government and Other Legislation Amendment Act 2005

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	6
2	Commencement . . . . .	6
<b>Part 2</b>	<b>Amendment of City of Brisbane Act 1924</b>	
3	Act amended in pt 2 . . . . .	6
4	Replacement of pt 2, div 12, hdg (Contracts and tendering) . . . . .	6
	Division 12      Contracts and related activities	
	Subdivision 1    Preliminary	
	39E      Principles governing the making of contracts . . . . .	7
	39F      What are procurement activities of the council. . . . .	7
	39G      What are designated disposal activities of the council . . . . .	7
5	Replacement of ss 42 to 46 . . . . .	8
	Subdivision 2    Requirements relating to procurement activities	
	42      Annual procurement plans . . . . .	8
	43      Amendment of procurement plan . . . . .	9
	44      Inspection of procurement plan . . . . .	9
	45      Significant procurement activity plans . . . . .	10
	46      Procurement manual . . . . .	10
	Subdivision 3    Requirements relating to designated disposal activities	
	46A      Annual asset disposal plan. . . . .	10
	46B      Requirements for asset disposal plan . . . . .	11
	46C      Amendment of asset disposal plan . . . . .	11
	46D      Inspection of asset disposal plan . . . . .	11
	46E      Plans for significant designated disposal activities. . . . .	12

*Local Government and Other Legislation Amendment No. 54, 2005  
Act 2005*

---

	46F	Asset disposal manual . . . . .	12
	Subdivision 4	Requirements for disposal of particular land	
	46G	Meaning of land for sdiv 4 . . . . .	13
	46H	General requirement for auction or tenders . . . . .	13
	46I	Exemptions . . . . .	13
	46J	Changes to tenders . . . . .	14
	46K	Acceptance of tender . . . . .	15
6		Amendment of s 119 (Annual report) . . . . .	15
7		Replacement of pt 6, hdg (Transitional provision) . . . . .	15
8		Insertion of new pt 6, div 2 . . . . .	15
	Division 2	Transitional provisions for Local Government and Other Legislation Amendment Act 2005	
	137A	Adoption of procurement and asset disposal plans for 2006-2007 financial year . . . . .	16
	137B	Transitional provisions for old contracting provisions .	16
9		Amendment of sch 2 (Dictionary) . . . . .	17
	<b>Part 3</b>	<b>Amendment of Liquor Act 1992</b>	
10		Act amended in pt 3 . . . . .	18
11		Insertion of new s 112B . . . . .	18
	112B	Variation of condition about noise—licensed premises in special entertainment precinct . . . . .	18
12		Amendment of s 187 (Abatement of nuisance or dangerous activity) . . . . .	19
	<b>Part 4</b>	<b>Amendment of Local Government Act 1993</b>	
13		Act amended in pt 4 and schedule . . . . .	19
14		Replacement of ch 6, pt 3 hdg (Contracts and tendering) . . . . .	19
15		Amendment of s 481 (Principles governing the making of contracts) . . . . .	20
16		Insertion of new ss 481A and 481B . . . . .	20
	481A	What are procurement activities of a local government . . . . .	20
	481B	What are designated disposal activities of a local government . . . . .	20
17		Replacement of ch 6, pt 3, div 2, hdg (Purchasing) . . . . .	21
	Division 2	Strategic contracting model	
	Subdivision 1	Preliminary	
	483A	Purpose of div 2 . . . . .	21
	Subdivision 2	Choice of strategic contracting model	

*Local Government and Other Legislation Amendment No. 54, 2005  
Act 2005*

---

	483B	Power to choose strategic contracting model . . . . .	21
	483C	Effect of choice . . . . .	22
	Subdivision 3	Requirements relating to procurement activities	
	483D	Annual procurement plans . . . . .	23
	483E	Amendment of procurement plan . . . . .	24
	483F	Inspection of procurement plan . . . . .	24
	483G	Significant procurement activity plans . . . . .	24
	483H	Procurement manual . . . . .	25
	Subdivision 4	Requirements relating to designated disposal activities	
	483I	Annual asset disposal plan . . . . .	25
	483J	Requirements for asset disposal plan . . . . .	25
	483K	Amendment of asset disposal plan . . . . .	26
	483L	Inspection of asset disposal plan . . . . .	26
	483M	Plans for significant designated disposal activities . . . . .	26
	483N	Asset disposal manual . . . . .	27
	Subdivision 5	Requirements for disposal of particular land	
	483O	Procedural contracting model generally applies for disposal of land . . . . .	28
	Division 3	Procedural contracting model	
	Subdivision 1	Preliminary	
	483P	Application of div 3 . . . . .	28
	Subdivision 2	Purchasing <sup>1</sup> .	
18		Amendment of s 484 (When tenders are required) . . . . .	28
19		Amendment of s 485 (When quotations are required) . . . . .	29
20		Amendment of s 486 (Exceptions to the requirement to seek tenders or quotations) . . . . .	29
21		Amendment of s 487 (Panel of suitable providers) . . . . .	30
22		Amendment of s 488 (Changes to tenders) . . . . .	30
23		Amendment of s 489 (Short listing after calling for expressions of interest) . . . . .	30
24		Amendment of s 490 (Acceptance of tender or quotation) . . . . .	31
25		Replacement of ch 6, pt 3, div 3, hdg (Disposal of land or goods)	31
26		Amendment of s 491 (When tenders or auctions are required) . . . . .	31
27		Amendment of s 492 (Exemptions) . . . . .	32
28		Insertion of new ch 6, pt 3, div 3, sdiv 4 . . . . .	33
	Subdivision 4	Required manuals	

*Local Government and Other Legislation Amendment No. 54, 2005  
Act 2005*

---

	492A	Required procurement and asset disposal manuals .	34
29		Amendment of s 502 (Issue of standards) . . . . .	35
30		Insertion of new ch 13, pt 8 . . . . .	35
	956G	Establishment of special entertainment precinct . . . .	35
31		Amendment of schedule (Dictionary) . . . . .	36
<b>Part 5</b>		<b>Amendment of Local Government (Community Government Areas) Act 2004</b>	
32		Act amended in pt 5 . . . . .	37
33		Amendment of s 11 (Provisions of Local Government Act 1993 that apply). . . . .	38
<b>Schedule</b>		<b>Minor amendments of Local Government Act 1993 . . . . .</b>	<b>39</b>



Queensland

# **Local Government and Other Legislation Amendment Act 2005**

## **Act No. 54 of 2005**

---

**An Act to amend local government legislation, and for other  
purposes**

**[Assented to 18 November 2005]**

**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Local Government and Other Legislation Amendment Act 2005*.

### **2 Commencement**

The following provisions commence on 1 July 2006—

- sections 4 and 5;
- section 8 to the extent it inserts the *City of Brisbane Act 1924*, section 137B.

## **Part 2 Amendment of City of Brisbane Act 1924**

### **3 Act amended in pt 2**

This part amends the *City of Brisbane Act 1924*.

### **4 Replacement of pt 2, div 12, hdg (Contracts and tendering)**

Part 2, division 12, heading—  
*omit, insert—*



## **‘Division 12            Contracts and related activities**

### **‘Subdivision 1        Preliminary**

#### **‘39E    Principles governing the making of contracts**

- ‘(1) In entering into contracts for the carrying out of work, the supply of goods or services or the disposal of assets, the council must have regard to the following principles—
- (a) open and effective competition;
  - (b) value for money;
  - (c) encouragement of the development of competitive local business and industry;
  - (d) environmental protection;
  - (e) ethical behaviour and fair dealing.
- ‘(2) For contracts for the carrying out of work, or the supply of goods or services, the principles are the *procurement principles*.
- ‘(3) A regulation may make a provision about the application of the procurement principles.

#### **‘39F    What are *procurement activities* of the council**

‘The *procurement activities* of the council are its activities that are, or relate to, the making of contracts for the carrying out of work, or the supply of goods or services.

#### **‘39G    What are *designated disposal activities* of the council**

- ‘(1) The *designated disposal activities* of the council are its activities that are, or relate to, the disposal of its relevant non-current assets, other than land.

- ‘(2) For subsection (1), a ***relevant non-current asset*** of the council is a non-current asset the value of which is equal to or above the value set under subsection (3).
- ‘(3) The council must act under the finance standards, as if it were a local government, to set an amount below which the value of a non-current asset must be treated as an expense.<sup>1</sup>
- ‘(4) In this section—  
***finance standards*** means the Local Government Finance Standards under the *Local Government Act 1993*.’.

## **5 Replacement of ss 42 to 46**

Sections 42 to 46—

*omit, insert—*

### **‘Subdivision 2 Requirements relating to procurement activities**

#### **‘42 Annual procurement plans**

- ‘(1) The council must adopt, by resolution, a procurement plan for each of its financial years.
- ‘(2) The resolution must be passed before the adoption of the council’s budget for the financial year to which the procurement plan relates.
- ‘(3) If the council has made a corporate plan, the procurement plan must be consistent with, and support, the achievement of the strategic directions stated in the corporate plan.
- ‘(4) The procurement plan must state—
  - (a) the types of procurement activities proposed for the financial year; and
  - (b) how the procurement principles are to be applied for the activities; and

---

<sup>1</sup> See the finance standards, sections 42 (Register of non-current assets) and 43 (Setting amount for treating non-current asset as an expense).

- (c) how the application of the principles will be measured; and
  - (d) a policy about proposed delegations for the activities; and
  - (e) a policy about the making of the council's significant procurement activity plans;<sup>2</sup> and
  - (f) a market assessment for each of the activity types; and
  - (g) any of the activities (a *significant procurement activity*) that the council considers will be significant.
- '(5) In considering whether any of the activities are a significant procurement activity, the council must have regard to the market assessment.
- '(6) The market assessment must consist of a profile of the relative expenditure and difficulty in securing supply of the activity type assessed.

#### **'43 Amendment of procurement plan**

'The council may, by resolution, amend its procurement plan at any time before the end of the financial year to which it relates.

#### **'44 Inspection of procurement plan**

'The council must—

- (a) keep its procurement plan open to inspection; and
- (b) make copies available for purchase at its public office at a price not more than the cost to it of producing the copy and, if a copy is supplied to a purchaser by post, the cost of the postage.

---

<sup>2</sup> See section 45 (Significant procurement activity plans).

#### **‘45 Significant procurement activity plans**

- ‘(1) If the council’s procurement plan states any significant procurement activities, the council must make a plan (a *significant procurement activity plan*) for each of the activities before it starts.
- ‘(2) A significant procurement activity plan must state—
  - (a) its objectives, and how they will be achieved; and
  - (b) any alternative ways of achieving the objectives, and why the alternative ways were not adopted; and
  - (c) a risk analysis of the market from which the relevant goods or services are to be procured.
- ‘(3) The objectives must be consistent with the council’s procurement plan.
- ‘(4) The council may amend a significant procurement activity plan at any time before the end of the financial year to which it relates.

#### **‘46 Procurement manual**

- ‘(1) The council must prepare a manual of procedures for how it carries out its procurement activities.
- ‘(2) The manual must—
  - (a) apply the procurement principles; and
  - (b) be consistent with the council’s procurement plan.

### **‘Subdivision 3 Requirements relating to designated disposal activities**

#### **‘46A Annual asset disposal plan**

- ‘(1) The council must adopt, by resolution, an asset disposal plan for its designated disposal activities for each of its financial years.
- ‘(2) The asset disposal plan must—

- (a) comply with section 46B; and
  - (b) if the council has made a corporate plan—be consistent with, and support, the achievement of the strategic directions stated in the corporate plan.
- ‘(3) The resolution must be passed before the adoption of the council’s budget for the financial year to which the asset disposal plan relates.

#### **‘46B Requirements for asset disposal plan**

- ‘(1) An asset disposal plan must state each of the following—
- (a) the types of designated disposal activities proposed for the financial year to which it relates;
  - (b) the principles and strategies for carrying out the activities;
  - (c) how the application of the principles will be measured;
  - (d) the outcomes proposed to be achieved from carrying out the activities;
  - (e) any of the activities (a *significant designated disposal activity*) that the council considers will be significant.
- ‘(2) In considering whether any of the activities are a significant designated disposal activity, the council must have regard to the matters mentioned in subsection (1)(a) to (d).

#### **‘46C Amendment of asset disposal plan**

‘The council may, by resolution, amend its asset disposal plan at any time before the end of the financial year to which it relates.

#### **‘46D Inspection of asset disposal plan**

‘The council must—

- (a) keep its asset disposal plan open to inspection; and
- (b) make copies available for purchase at its public office at a price not more than the cost to it of producing the copy

and, if a copy is supplied to a purchaser by post, the cost of the postage.

**‘46E Plans for significant designated disposal activities**

- ‘(1) If the council’s asset disposal plan states any significant designated disposal activities, the council must make a plan (a *significant disposal activity plan*) for each of the activities before it starts.
- ‘(2) A significant disposal activity plan must state—
  - (a) the objectives of the activity that the plan is for;
  - (b) how the objectives support the asset disposal plan;
  - (c) how the objectives are to be achieved;
  - (d) how achievement of the objectives will be measured;
  - (e) any alternative ways of achieving the objectives, and why the alternative ways were not adopted;
  - (f) proposed contractual arrangements for the activity; and
  - (g) a risk analysis of the market in which the relevant assets are to be disposed of.
- ‘(3) The objectives must be consistent with the council’s asset disposal plan.
- ‘(4) The council may amend any of its significant disposal activity plans at any time before the end of the financial year to which it relates.

**‘46F Asset disposal manual**

- ‘(1) The council must prepare a manual of procedures for how it disposes of its non-current assets.
- ‘(2) The manual must—

- (a) include a policy about how the council deals with its non-current assets that have a value of less than the amount set under section 39G(3);<sup>3</sup> and
- (b) be consistent with the council's asset disposal plan.

## **'Subdivision 4 Requirements for disposal of particular land**

### **'46G Meaning of *land* for sdiv 4**

'In this subdivision, *land* includes an interest in land.

### **'46H General requirement for auction or tenders**

- '(1) The council may dispose of land only by auction or after inviting tenders.
- '(2) The tender invitation must—
  - (a) be by an advertisement in a newspaper circulating generally in the council's area; and
  - (b) allow at least 7 days from the day of the advertisement for the submission of tenders.
- '(3) This section is subject to section 46I.

### **'46I Exemptions**

- '(1) The council may dispose of land without complying with section 46H if—
  - (a) the disposal is to—
    - (i) the State; or
    - (ii) a government entity under the *Government Owned Corporations Act 1993*; or
    - (iii) a local government owned corporation under the *Local Government Act 1993*; or

---

3 Section 39G (What are *designated disposal activities* of the council)

- (iv) another local government; or
  - (v) a community organisation; or
  - (vi) another Australian government, an entity of another Australian government or a local government of another State or a Territory; or
  - (b) if the land would not be rateable land after the disposal; or
  - (c) the land was previously offered for sale under the section and was not sold; or
  - (d) the council resolves that it is of the opinion that it is in the public interest that the land be disposed of without an auction or inviting tenders.
- ‘(2) If subsection (1)(c) applies, the land must not be sold for less than the highest bid or tender received.
- ‘(3) A resolution under subsection (1)(d)—
- (a) must state reasons for the opinion expressed in it; and
  - (b) may relate to a particular disposal or a type of disposal; and
  - (c) if the resolution relates to a type of disposal—expires 1 year after it is made.
- ‘(4) In this section—
- community organisation*** means an entity that is a non-profit entity or otherwise exists for a public purpose.

#### ‘46J Changes to tenders

- ‘(1) This section applies if—
- (a) the council invites tenders for a contract for the disposal of land; and
  - (b) the invitation states that the council might later invite all tenderers to change their tenders.
- ‘(2) Before making a decision on the tenders, the council may invite all the persons who have submitted a tender to change



their tender to take account of a change in the tender specifications.

**‘46K Acceptance of tender**

- ‘(1) If the council decides to accept a tender for a contract for the disposal of land, it must accept the tender most advantageous to it.
- ‘(2) However, the council may decide not to accept any tender available to it.’.

**6 Amendment of s 119 (Annual report)**

Section 119(3)(b), ‘sections 42(5), 44(1) and 46(2)’—  
*omit, insert—*  
 ‘part 2, division 12<sup>4</sup>’.

**7 Replacement of pt 6, hdg (Transitional provision)**

Part 6, heading—  
*omit, insert—*

**‘Part 6 Transitional provisions**

**‘Division 1 Transitional provision for Local Government Legislation Amendment Act 2003’.**

**8 Insertion of new pt 6, div 2**

Part 6—  
*insert—*

---

4 Part 2, division 12 (Contracts and related activities)

**‘Division 2                      Transitional provisions for Local Government and Other Legislation Amendment Act 2005**

**‘137A Adoption of procurement and asset disposal plans for 2006-2007 financial year**

- ‘(1) From the commencement of this section, the council may, for the 2006–2007 financial year, adopt, by resolution, a procurement plan and an asset disposal plan as if the new contracting provisions had commenced.<sup>5</sup>
- ‘(2) In this section—
- new contracting provisions* means part 2, division 12, as the division is to be amended under the *Local Government and Other Legislation Amendment Act 2005*.

**‘137B Transitional provisions for old contracting provisions**

- ‘(1) To remove any doubt, it is declared that the repeal of the old contracting provisions does not, of itself, affect a contractual obligation or right of the council.
- ‘(2) If, immediately before the commencement of the new contracting provisions—
- (a) the council had, under the old contracting provisions, invited tenders or sought quotations in relation to a particular procurement activity; and
  - (b) tenders or quotations had been given or made in response to the invitation or the seeking of quotations; and
  - (c) the council had not accepted, or decided not to accept, any of the tenders or quotations;
- the old contracting provisions continue to apply to the council for the activity as if the new contracting provisions had not been enacted.

---

<sup>5</sup> The new contracting provisions commence on 1 July 2006.

‘(3) In this section—

***new contracting provisions*** means part 2, division 12, as amended under the *Local Government and Other Legislation Amendment Act 2005*.

***old contracting provisions*** means part 2, division 12 as in force immediately before the commencement of the amendments to that division under the *Local Government and Other Legislation Amendment Act 2005*.’.

## 9 Amendment of sch 2 (Dictionary)

Schedule 2—

*insert—*

***‘asset disposal plan***, for the council, means its most recent asset disposal plan made under section 46A, as amended from time to time under section 46C.

***corporate plan*** means a plan that is the same, or substantially the same, as a corporate plan under the *Local Government Act 1993*.

***designated disposal activities***, of the council, see section 39G.

***land***, for part 2, division 12, subdivision 4, see section 46G.

***non-current assets***, of the council, means any of its assets that are not current assets.

***procurement activities***, of the council, see section 39F.

***procurement plan***, of the council, means its most recent procurement plan made under section 42, as amended from time to time under section 43.

***procurement principles*** see section 39E(2).

***significant designated disposal activity*** see section 46B(1)(e).

***significant procurement activity*** see section 42(4)(g).

***significant procurement activity plan*** see section 45(1).’.

## Part 3                      Amendment of Liquor Act 1992

### 10      Act amended in pt 3

This part amends the *Liquor Act 1992*.

### 11      Insertion of new s 112B

After section 112A—

*insert—*

#### **‘112B Variation of condition about noise—licensed premises in special entertainment precinct**

- ‘(1) This section applies if—
- (a) a licence is subject to a condition (a *noise condition*) about noise coming from the licensed premises; and
  - (b) the licensed premises are in a special entertainment precinct established by a local government under the *Local Government Act 1993*, section 956G;<sup>6</sup> and
  - (c) a licence, permit or other authority has been issued for the premises under a local law made by the local government under the *Local Government Act 1993*, section 956G(3)(b), including a licence, permit or other authority that has expired or been revoked or cancelled by the local government.
- ‘(2) The noise condition does not apply in relation to noise from amplified music played at the licensed premises.
- ‘(3) To remove any doubt, it is declared that this section no longer applies if the local government—
- (a) revokes the special entertainment precinct; or
  - (b) changes the boundaries of the special entertainment precinct so that the premises are no longer within the precinct’s core area under the *Local Government Act 1993*, section 956G.’.

---

<sup>6</sup> *Local Government Act 1993*, section 956G (Establishment of special entertainment precincts)

**12 Amendment of s 187 (Abatement of nuisance or dangerous activity)**

Section 187—

*insert—*

- ‘(1A) However, this section does not apply if the noise is from amplified music played at licensed premises—
- (a) in a special entertainment precinct established by a local government under the *Local Government Act 1993*, section 956G;<sup>7</sup> and
  - (b) for which the local government has issued a licence, permit or other authority under the local law made by the local government under the *Local Government Act 1993*, section 956G(3)(b), including licence, permit or other authority that has expired or been revoked or cancelled by the local government.’.

**Part 4 Amendment of Local Government Act 1993**

**13 Act amended in pt 4 and schedule**

- (1) This part amends the *Local Government Act 1993*.
- (2) The schedule also includes amendments of that Act.

**14 Replacement of ch 6, pt 3 hdg (Contracts and tendering)**

Chapter 6, part 3, heading—

*omit, insert—*

**‘Part 3 Contracts and related activities’.**

---

<sup>7</sup> *Local Government Act 1993*, section 956G (Establishment of special entertainment precincts)

**15 Amendment of s 481 (Principles governing the making of contracts)**

- (1) Section 481, ‘or the supply of goods or services’—  
*omit, insert—*  
‘the supply of goods or services or the disposal of assets’.
- (2) Section 481(c)—  
*omit, insert—*  
‘(c) encouragement of the development of competitive local business and industry;’.
- (3) Section 481—  
*insert—*  
‘(2) For contracts for the carrying out of work, or the supply of goods or services, the principles are the *procurement principles*.’.

**16 Insertion of new ss 481A and 481B**

After section 481—

*insert—*

**‘481A What are *procurement activities* of a local government**

‘The *procurement activities* of a local government are its activities that are, or relate to, the making of contracts for the carrying out of work, or the supply of goods or services.

**‘481B What are *designated disposal activities* of a local government**

‘The *designated disposal activities* of a local government are its activities that are, or relate to, the disposal of its non-current assets, other than land, that have a value of more than the threshold amount.’.

## **17 Replacement of ch 6, pt 3, div 2, hdg (Purchasing)**

Chapter 6, part 3, division 2, heading—

*omit, insert—*

### **‘Division 2 Strategic contracting model**

#### **‘Subdivision 1 Preliminary**

##### **‘483A Purpose of div 2**

‘(1) The purpose of this division is to enable each local government to take a strategic approach to its procurement activities and designated disposal activities, after taking into account the procurement principles.

‘(2) In this section—

*strategic approach* means an approach that identifies potential opportunities while managing adverse risks.

#### **‘Subdivision 2 Choice of strategic contracting model**

##### **‘483B Power to choose strategic contracting model**

‘(1) A local government may, by resolution, decide this division applies to it.

‘(2) However, the resolution may be passed only if—

(a) the local government has considered the costs and benefits of complying with this division; and

(b) notice has been given of the proposed resolution at least 4 weeks before the meeting at which the resolution is proposed.

‘(3) The notice must be—

(a) published in a newspaper circulating generally in the local government’s area; and

- (b) state the proposed resolution and the day and time of the meeting.
- ‘(4) The local government may, by a later resolution, decide this division no longer to applies to it.
- ‘(5) Subsections (2) and (3) do not apply to the later resolution.

### **‘483C Effect of choice**

- ‘(1) If, under section 483B, a local government passes a resolution that this division applies to it, the local government must comply with subdivisions 3 to 5 from—
  - (a) generally—the day the resolution is passed; or
  - (b) if the resolution states a later day of effect—the later day.
- ‘(2) The later day must not be more than 1 year after the resolution is passed.
- ‘(3) To remove any doubt, it is declared that the passing of the resolution does not, of itself, affect a contractual obligation or right of the local government.
- ‘(4) If immediately before the day this division commences to apply to the local government—
  - (a) it had, under division 3, invited tenders or sought quotations in relation to a particular procurement activity; and
  - (b) tenders or quotations had been given or made in response to the invitation or the seeking of quotations; and
  - (c) the local government had not accepted, or decided not to accept, any of the tenders or quotations;division 3 continues to apply for the activity as if the resolution had not been passed.
- ‘(5) If the local government later decides this division no longer applies to it, the local government must continue to comply with this division for procurement activities and designated



disposal activities that happened while this division applied to it.

### **‘Subdivision 3 Requirements relating to procurement activities**

#### **‘483D Annual procurement plans**

- ‘(1) The local government must adopt, by resolution, a procurement plan for each of its financial years.
- ‘(2) The resolution must be passed before the adoption of the local government’s budget for the financial year to which the procurement plan relates.
- ‘(3) The procurement plan must be consistent with, and support, the achievement of the strategic directions stated in the local government’s corporate plan.
- ‘(4) The procurement plan must state—
  - (a) the types of procurement activities proposed for the financial year; and
  - (b) how the procurement principles are to be applied for the activities; and
  - (c) how the application of the principles will be measured; and
  - (d) a policy about proposed delegations for the activities; and
  - (e) a policy about the making of the local government’s significant procurement activity plans;<sup>8</sup> and
  - (f) a market assessment for each of the activity types; and
  - (g) any of the activities (a *significant procurement activity*) that the local government considers will be significant.

---

8 See section 483G (Significant procurement activity plans).

- ‘(5) In considering whether any of the activities are a significant procurement activity, the local government must have regard to the market assessment.
- ‘(6) The market assessment must consist of a profile of the relative expenditure and difficulty in securing supply of the activity type assessed.

#### **‘483E Amendment of procurement plan**

‘The local government may, by resolution, amend its procurement plan at any time before the end of the financial year to which it relates.

#### **‘483F Inspection of procurement plan**

‘The local government must—

- (a) keep its procurement plan open to inspection; and
- (b) make copies available for purchase at its public office at a price not more than the cost to it of producing the copy and, if a copy is supplied to a purchaser by post, the cost of the postage.

#### **‘483G Significant procurement activity plans**

- ‘(1) If the local government’s procurement plan states any significant procurement activities, the local government must make a plan (a *significant procurement activity plan*) for each of the activities before it starts.
- ‘(2) A significant procurement activity plan must state—
  - (a) its objectives, and how they will be achieved; and
  - (b) any alternative ways of achieving the objectives, and why the alternative ways were not adopted; and
  - (c) a risk analysis of the market from which the relevant goods or services are to be procured.
- ‘(3) The objectives must be consistent with the local government’s procurement plan.

- ‘(4) The local government may amend a significant procurement activity plan at any time before the end of the financial year to which it relates.

#### **‘483H Procurement manual**

- ‘(1) The local government must prepare a manual of procedures for how it carries out its procurement activities.
- ‘(2) The manual must—
- (a) apply the procurement principles; and
  - (b) be consistent with the local government’s procurement plan.

### **‘Subdivision 4 Requirements relating to designated disposal activities**

#### **‘483I Annual asset disposal plan**

- ‘(1) The local government must adopt, by resolution, an asset disposal plan for its designated disposal activities for each of its financial years.
- ‘(2) The asset disposal plan must—
- (a) comply with section 483J; and
  - (b) be consistent with, and support, the achievement of the strategic directions stated in the local government’s corporate plan.
- ‘(3) The resolution must be passed before the adoption of the local government’s budget for the financial year to which the asset disposal plan relates.

#### **‘483J Requirements for asset disposal plan**

- ‘(1) An asset disposal plan must state each of the following—
- (a) the types of designated disposal activities proposed for the financial year to which it relates;

- (b) the principles and strategies for carrying out the activities;
  - (c) how the application of the principles will be measured;
  - (d) the outcomes proposed to be achieved from carrying out the activities;
  - (e) any of the activities (a *significant designated disposal activity*) that the local government considers will be significant.
- ‘(2) In considering whether any of the activities are a significant designated disposal activity, the local government must have regard to the matters mentioned in subsection (1)(a) to (d).

#### **‘483K Amendment of asset disposal plan**

‘The local government may, by resolution, amend its asset disposal plan at any time before the end of the financial year to which it relates.

#### **‘483L Inspection of asset disposal plan**

‘The local government must—

- (a) keep its asset disposal plan open to inspection; and
- (b) make copies available for purchase at its public office at a price not more than the cost to it of producing the copy and, if a copy is supplied to a purchaser by post, the cost of the postage.

#### **‘483M Plans for significant designated disposal activities**

- ‘(1) If the local government’s asset disposal plan states any significant designated disposal activities, the local government must make a plan (a *significant disposal activity plan*) for each of the activities before it starts.
- ‘(2) A significant disposal activity plan must state—
- (a) the objectives of the activity that the plan is for;
  - (b) how the objectives support the asset disposal plan;

- (c) how the objectives are to be achieved;
  - (d) how achievement of the objectives will be measured;
  - (e) any alternative ways of achieving the objectives, and why the alternative ways were not adopted;
  - (f) proposed contractual arrangements for the activity; and
  - (g) a risk analysis of the market in which the relevant assets are to be disposed of.
- ‘(3) The objectives must be consistent with the local government’s asset disposal plan.
- ‘(4) The local government may amend any of its significant disposal activity plans at any time before the end of the financial year to which it relates.

#### **‘483N Asset disposal manual**

- ‘(1) The local government must prepare a manual of procedures for how it disposes of its non-current assets.
- ‘(2) The manual must—
- (a) include a policy about how the local government deals with its non-current assets that have a value of less than the threshold amount; and
  - (b) be consistent with the local government’s asset disposal plan.

## **‘Subdivision 5 Requirements for disposal of particular land**

### **‘483O Procedural contracting model generally applies for disposal of land**

‘Division 3, subdivision 3<sup>9</sup> applies to the local government, but only for its disposal of land or an interest in land.<sup>10</sup>

## **‘Division 3 Procedural contracting model**

### **‘Subdivision 1 Preliminary**

#### **‘483P Application of div 3**

‘This division applies to a local government unless it has decided, under division 2, subdivision 2, that division 2 applies to it.

## **‘Subdivision 2 Purchasing’.**

### **18 Amendment of s 484 (When tenders are required)**

(1) Section 484(1), ‘A local government’—

*omit, insert—*

‘The local government’.

(2) Section 484(1), ‘\$100000’—

*omit, insert—*

‘\$150000’.

---

<sup>9</sup> Division 3, subdivision 3 (Disposal of land or particular non-current assets)

<sup>10</sup> For when the procedural contracting model does not apply, see section 492 (Exemptions).

**19 Amendment of s 485 (When quotations are required)**

- (1) Section 485(1), ‘A local government’—  
*omit, insert—*  
‘The local government’.
- (2) Section 485(1), ‘\$10000 and \$100000’—  
*omit, insert—*  
‘\$15000 and \$150000’.

**20 Amendment of s 486 (Exceptions to the requirement to seek tenders or quotations)**

- (1) Section 486, ‘A local government’—  
*omit, insert—*  
‘The local government’.
- (2) Section 486(1)(b), ‘it resolves that’—  
*omit.*
- (3) Section 486(1)(c) and (d)—  
*omit, insert—*  
‘(c) the contract is made by auction and is for the purchase of goods; or  
(d) the contract is for the purchase of second-hand goods; or’.
- (4) Section 486(1)(f)(i), after ‘government entity,’—  
*insert—*  
‘a local government owned corporation,’.
- (5) Section 486(1)—  
*insert—*  
‘(g) it has—  
(i) decided, by resolution, to prepare, for the entering into of the contract, a plan that complies with subsection (2); and

(ii) prepared the plan.’.

(6) Section 486(2)—

*renumber* as section 486(3).

(7) Section 486—

*insert*—

‘(2) For subsection (1)(g), the plan must state—

(a) its objectives, and how they will be achieved; and

(b) any alternative ways of achieving the objectives, and why the alternative ways were not adopted; and

(c) a risk analysis of the market from which the relevant goods or services are to be procured.’.

## **21 Amendment of s 487 (Panel of suitable providers)**

Section 487(1), ‘A local government’—

*omit, insert*—

‘The local government’.

## **22 Amendment of s 488 (Changes to tenders)**

Section 488(1)(a), ‘a local government’—

*omit, insert*—

‘the local government’.

## **23 Amendment of s 489 (Short listing after calling for expressions of interest)**

(1) Section 489(1), ‘A local government’—

*omit, insert*—

‘The local government’.

(2) Section 489(5), ‘a local government’—

*omit, insert*—

‘the local government’.



**24 Amendment of s 490 (Acceptance of tender or quotation)**

- (1) Section 490(1), ‘a local government’—  
*omit, insert—*  
‘the local government’.
- (2) Section 490(2), ‘principles mentioned in section 481’—  
*omit, insert—*  
‘procurement principles’.

**25 Replacement of ch 6, pt 3, div 3, hdg (Disposal of land or goods)**

Chapter 6, part 3, division 3, heading—  
*omit, insert—*

**‘Subdivision 3 Disposal of land or particular non-current assets’.**

**26 Amendment of s 491 (When tenders or auctions are required)**

- (1) Section 491(1)(b)—  
*omit, insert—*  
‘(b) non-current assets other than land with an apparent value of equal to or above the amount set by the local government.’.
- (2) Section 491(2) to (4)—  
*renumber* as section 491(3) to (5).
- (3) Section 491—  
*insert—*  
‘(2) The set amount must not be more than the threshold amount for the value of non-current assets of the local government.<sup>11</sup>’.

---

11 See the Local Government Finance Standards, sections 42 (Register of non-current assets) and 43 (Setting amount for treating non-current asset as an expense).

- (4) Section 491(3), as renumbered, ‘A local government’—  
*omit, insert—*  
‘The local government’.
- (5) Section 491(3), as renumbered, ‘goods’—  
*omit, insert—*  
‘non-current assets’.

## **27 Amendment of s 492 (Exemptions)**

- (1) Section 492(1), ‘or goods’, first mention—  
*omit, insert—*  
‘, or other non-current assets mentioned in section 491(1)(b),’.
- (2) Section 492(1)(a)(iii) to (iv)—  
*renumber* as section 492(1)(a)(iv) to (vi).
- (3) Section 492(1)(a)—  
*insert—*  
‘(iii) a local government owned corporation; or’.
- (4) Section 492(1)(d) and (3), ‘goods’—  
*omit, insert—*  
‘other non-current assets’.
- (5) Section 492(1)—  
*insert—*  
‘(ba) for non-current assets other than land—
- (i) the disposal is by way of a trade-in for the supply of goods or services to the local government; and
  - (ii) the supply is, or is to be, made under subdivision 2; and
  - (iii) the disposal is, or is to be, part of the contract for the supply; or’.
- (6) Section 492(1)—

*insert—*

‘(da) the local government has—

- (i) decided, by resolution, to prepare, for the disposal, a plan that complies with subsection (4); and
- (ii) prepared the plan; or’.

(7) Section 492(1)(ba) to (1)(e)—

*renumber* as section 492(1)(c) to (1)(g).

(8) Section 492(2), ‘subsection (1)(c)’—

*omit, insert—*

‘subsection (1)(d)’.

(9) Section 492(3), ‘subsection (1)(d)’—

*omit, insert—*

‘subsection (1)(e)’.

(10) Section 492(4)—

*renumber* as section 492(5).

(11) Section 492—

*insert—*

‘(4) For subsection (1)(f), the plan must state—

- (a) the objectives of the disposal;
- (b) how the objectives are to be achieved;
- (c) how achievement of the objectives will be measured;
- (d) any alternative ways of achieving the objectives, and why the alternative ways were not adopted;
- (e) proposed contractual arrangements for the disposal; and
- (f) a risk analysis of the market in which the disposal is to take place.’.

## **28 Insertion of new ch 6, pt 3, div 3, sdiv 4**

Chapter 6, part 3, after section 492—

*insert—*

## **‘Subdivision 4 Required manuals**

### **‘492A Required procurement and asset disposal manuals**

- ‘(1) The local government must prepare the following manuals of procedures—
  - (a) a manual for how it carries out its procurement activities (the *procurement manual*);
  - (b) a manual for how it disposes of its non-current assets (the *asset disposal manual*).
- ‘(2) The procurement manual must—
  - (a) apply the procurement principles; and
  - (b) be consistent with, and support, the achievement of the strategic direction stated in the local government’s corporate plan; and
  - (c) for any procurement activities that the local government considers will be significant, require a significant procurement activity plan that complies with the requirements under section 486(2).<sup>12</sup>
- ‘(3) The asset disposal manual must—
  - (a) be consistent with, and support, the achievement of the strategic direction stated in the local government’s corporate plan; and
  - (b) include a policy about how the local government deals with its non-current assets that have a value of less than the threshold amount; and
  - (c) for any disposal of non-current assets that the local government considers will be significant, require a significant disposal activity plan that complies with the requirements under section 492(4).’.

---

<sup>12</sup> Section 486 (Exemptions to the requirement to seek tenders or quotations)

## 29 Amendment of s 502 (Issue of standards)

- (1) Section 502(1)(d) to (i)—  
*renumber* as section 502(1)(e) to (j).
- (2) Section 502(1)—  
*insert*—  
'(d) the application of the procurement principles;<sup>13</sup> and'.

## 30 Insertion of new ch 13, pt 8

Chapter 13—  
*insert*—

# 'Part 8 Special entertainment precincts

## '956G Establishment of special entertainment precinct

- '(1) A local government may, subject to subsections (3) and (4), establish a special entertainment precinct in its area.
- '(2) The effect of establishing a special entertainment precinct is that—
  - (a) noise from amplified music played at relevant licensed premises in the precinct's core area is regulated by the local law mentioned in subsection (3)(b) instead of the *Liquor Act 1992*;<sup>14</sup> and
  - (b) requirements imposed under a planning scheme or development approval made or given under the *Integrated Planning Act 1997* about noise attenuation apply in relation to particular kinds of development in the precinct.
- '(3) To establish a special entertainment precinct, the local government must—

---

13 See section 481 (Principles governing the making of contracts).

14 See the *Liquor Act 1992*, section 187 (Abatement of nuisance or dangerous activity).

- (a) amend its planning scheme to identify the special entertainment precinct and the part of the precinct (the precinct's *core area*) in which the local law mentioned in paragraph (b) applies; and
  - (b) make a local law—
    - (i) regulating noise from amplified music from all or any relevant licensed premises or other premises in the precinct's core area; and
    - (ii) providing for the issue of licences, permits or other authorities for all or any relevant licensed premises or other premises in the precinct's core area.
- ‘(4) A special entertainment precinct must not include a major sports facility under the *Major Sports Facilities Act 2001*.
- ‘(5) A local law made under subsection (3)(b) does not apply to an activity for a motor racing event under the *Gold Coast Motor Racing Events Act 1990* carried on by or with the permission of the person who, under that Act, is the promoter for the year in which the event is held.<sup>15</sup>
- ‘(6) In this section—
- relevant licensed premises* means licensed premises under the *Liquor Act 1992*—
- (a) that are in the precinct's core area; and
  - (b) from which amplified music emanates.’

### 31 Amendment of schedule (Dictionary)

Schedule—

*insert*—

‘*asset disposal plan*, for a local government, means its most recent asset disposal plan under section 483I, as amended from time to time under section 483M.

---

<sup>15</sup> See also the *Gold Coast Motor Racing Events Act 1990*, section 12 (Certain Acts and laws not to apply).

***designated disposal activities***, of a local government, see section 481B.

***non-current assets***, of a local government, means any of its assets that are not current assets.

***procurement activities***, of a local government, see section 481A.

***procurement plan***, for a local government, means its most recent made procurement plan made under section 483D, as amended from time to time under section 483E.

***procurement principles*** see section 481(2).

***significant designated disposal activity*** see section 483J(1)(e).

***significant procurement activity*** see section 483D(4)(g).

***significant procurement activity plan*** see section 483G(1).

***threshold amount***, for value of non-current assets of a local government, means the amount it sets under the Local Government Finance Standards below which the value of a non-current asset must be treated as an expense.<sup>16</sup>.

## Part 5 Amendment of Local Government (Community Government Areas) Act 2004

### 32 Act amended in pt 5

This part amends the *Local Government (Community Government Areas) Act 2004*.

---

16 See the Local Government Finance Standards, sections 42 (Register of non-current assets) and 43 (Setting amount for treating non-current asset as an expense).

**33 Amendment of s 11 (Provisions of Local Government Act 1993 that apply)**

Section 11(2), second dot point, '(d) and (g)'—

*omit, insert—*

'(g)'.



## **Schedule**                      **Minor amendments of Local Government Act 1993**

section 13(2)

**1**            **Section 3, ‘the schedule’—**

*omit, insert—*

‘schedule 2’.

**2**            **Section 60T(2)(b)(iii)—**

*omit, insert—*

‘(iii) an entity to which part 12 of the Local Government  
Finance Standards applies.<sup>17</sup>’.

**3**            **Section 243A(3)(b), after ‘omission’—**

*insert—*

‘that’.

**4**            **Section 1272, second occurring—**

*renumber* as section 1272A.

**5**            **Schedule—**

*renumber* as schedule 2.

---

<sup>17</sup> See section 81 (Definition for pt 12) of the Local Government Finance Standards.