



Queensland

Local Government Regulation 2005

Subordinate Legislation 2005 No. 81

made under the

Local Government Act 1993

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Part 1 Preliminary

1 Short title

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

2 Commencement

This regulation commences on 1 July 2005.

3 Definitions

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

4 Prescribed pensions for meaning of *pensioner*

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

5 State interest

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

6 Department's address

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

Local Government Services

Department of Local Government, Planning, Sport and Recreation

Level 17 Mineral House

41 George Street

BRISBANE Q 4000.

Part 2 The local government system

7 Criteria for cities and towns—Act, s 18

- (1) The criteria for a local government area to be declared a city are—
 - (a) the area must be the centre of a region providing commercial, industrial, health and public sector services for the region; and
 - (b) the area must, for the 3 years immediately before the declaration, have had—
 - (i) a population of at least 25 000; and
 - (ii) a population of at least 15 000 in its urban centre; and
 - (iii) a population density of at least 150 for each square kilometre of its urban centre.
- (2) The criterion for a local government area to be declared a town is that the area must be urban in character.

Example of an area that is urban in character—

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

Part 3 Interaction with the State

Division 1 Reviewable local government matters

Subdivision 1 Preliminary

8 Definitions for div 1

In this division—

class change issue see section 9.

community of interest issue see section 10.

divisional boundaries issue see section 11.

joint arrangement includes the following—

- (a) a joint standing committee;
- (b) joint action by agreement;
- (c) the joint exercise of local government jurisdiction or the joint operation of a facility, service or activity;
- (d) an agreement on, or extension of, a facility, service or activity outside a local government area;
- (e) a contribution for the operation of a facility, service or activity outside a local government area;
- (f) resource sharing by local governments;
- (g) a joint local government;
- (h) any other type of arrangement of a joint nature the commissioner considers appropriate, including an arrangement not dealt with under the Act.

joint arrangements issue see section 12.

planning issue see section 13.

resource base sufficiency issue see section 14.

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

9 Meaning of *class change issue*

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

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

10 Meaning of *community of interest issue*

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

- (a) reflect local communities, for example, the geographical pattern of human activities (where people live, work and engage in leisure activities), and the linkages between local communities; and
- (b) have a centre, or centres, of administration and service easily accessible to its population; and
- (c) ensure effective elected representation for residents and ratepayers; and
- (d) have external boundaries that—
 - (i) do not divide local neighbourhoods or adjacent rural and urban areas with common interests or interdependencies, including, for example, economic, cultural and ethnic interests or interdependencies; and
 - (ii) subject to the water catchment principle—follow the natural geographical features and non-natural features separating different communities; and
 - (iii) do not dissect properties.

11 Meaning of *divisional boundaries issue*

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

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

12 Meaning of *joint arrangements issue*

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

13 Meaning of *planning issue*

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

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

14 Meaning of *resource base sufficiency issue*

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

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

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

For section 84(1)² of the Act, the issues are each of the following—

² Section 84 (Commissions must have regard to prescribed issues) of the Act

-
- (a) if the reviewable local government matter relates to the external boundaries of a local government area—
 - (i) resource base sufficiency issue; and
 - (ii) planning issue; and
 - (iii) community of interest issue; and
 - (iv) joint arrangements issue;
 - (b) if the reviewable local government matter is a reviewable local government matter mentioned in section 64(1)(g) or (h)³ of the Act, other than abolishing divisions of a local government area—divisional boundaries issue;
 - (c) if the reviewable local government matter relates to whether the class of a local government area should be changed—class change issue.

16 Prescribed issues—Act, s 107

For section 107(1)⁴ of the Act, the issues are the following—

- (a) resource base sufficiency issue;
- (b) planning issue;
- (c) community of interest issue;
- (d) joint arrangements issue.

Subdivision 3 Special provisions for joint arrangements

17 Aims of joint arrangements

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

³ Section 64 (Meaning of *reviewable local government matter*) of the Act

⁴ Section 107 (Commission must have regard to prescribed issues) of the Act

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

18 Application of joint arrangements

A joint arrangement may—

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

19 Contents of agreements about joint arrangements

- (1) Every agreement between local governments about a joint arrangement must include the following—
 - (a) a statement of the agreement's objectives;
 - (b) the aims of the joint arrangement;
 - (c) procedures for amending the agreement if there are changes in a formula used in the agreement, including, for example, funding, or contribution, based on population;
 - (d) a dispute resolution process;
 - (e) review procedures;
 - (f) a sunset clause.
- (2) Subsection (1) does not limit the matters that may be included in an agreement about a joint arrangement.

Division 2 Intervention by the State

20 Overruling particular local laws—Act, s 163

(1) It is declared that each of the following provisions cease to have effect to the extent it deals with the distribution of how-to-vote cards—

- (a) Local Law No. 2 (Council Facilities and Other Public Places), section 10,⁵ made by the Caloundra City Council;
- (b) Local Law No. 5 (Council Facilities), section 10,⁶ made by the Beaudesert Shire Council.

(2) In this section—

election means—

- (a) an election of a councillor of a local government; or
- (b) an election of a member of the Legislative Assembly.

Part 4 Registers of interests of local government councillors and related persons

21 Definitions for pt 4

In this part—

related, to a councillor, see section 22.

related person means a person related to a councillor under section 22.

sponsored hospitality benefit see section 23.

5 Local Law No. 2 (Council Facilities and Other Public Places), section 10 (Distribution of an election publication)

6 Local Law No. 5 (Council Facilities), section 10 (Distribution of an election publication)

22 Meaning of *related* to a councillor—Act, s 247

For section 247(1)(b)⁷ of the Act, a person is *related* to a councillor if—

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

23 Meaning of *sponsored hospitality benefit*

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

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

24 Financial and non-financial particulars for registers

- (1) For section 247(2)(b) of the Act, the financial and non-financial particulars are mentioned in schedule 1.
- (2) A register of interests of a councillor must contain particulars about interests held only by the councillor—
 - (a) alone; and

⁷ Section 247 (Registers of interests) of the Act

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

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

- (1) This section applies to a councillor after the councillor's term of office starts.
- (2) For section 247(3) of the Act, the councillor must tell the chief executive officer of the local government of an interest, or correct particulars of an interest, that must be recorded in a register of interests within 3 months after the councillor knows of the interest or correct particulars.⁸
- (3) A councillor may tell the chief executive officer by giving the chief executive officer a statement of interests, or a notice of correct particulars, in the approved form.

⁸ See also section 249 (Queries on contents of register) of the Act.

Part 5 General operation of local governments

26 **Particulars to be contained in register of delegations by a local government—Act, s 472**

- (1) For section 472(6) of the Act, a register of delegations by a local government must—
 - (a) contain the name or title of the person, or the name of the committee, to whom the powers are delegated; and
 - (b) identify the powers delegated, including the provisions under a local government Act permitting or requiring the exercise of the powers; and
 - (c) contain a summary of the resolution by which the 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 local government may include other information in the register that it considers appropriate.

27 **Declaration of exempt enterprises—Act, s 495**

- (1) For section 495(1) of the Act, the following are declared exempt enterprises—
 - (a) an enterprise associated with, and involved in, a local government providing local government services;
 - (b) enterprises associated with promoting a local government area;
 - (c) local government enterprises.
- (2) In this section—

local government enterprises means—

 - (a) abattoirs or saleyards or markets for livestock; or
 - (b) forestry operations; or

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

local government services includes the following services—

- (a) accommodation services, including, for example, hostels, hotels, motels, caravan parks and camping grounds;
- (b) cultural services, including, for example, civic or cultural centres, public halls, function rooms and public entertainment;
- (c) educational services, including, for example, kindergartens, libraries and student hostels;
- (d) environmental services, including, for example, river and creek cleaning, flood mitigation and refuse tips;
- (e) community services, including, for example, child care centres and facilities for aged persons and persons with disabilities;
- (f) recreational services, including, for example, swimming pools, sports grounds and showgrounds;
- (g) regulatory services, including, for example, animal control, building and drainage matters and anti-litter programs;

- (h) services for health (including public health) and safety, including, for example, the supply of water, sewerage, refuse collection and disposal, fire protection, beach patrols, health inspections and mosquito and vermin control;
- (i) transport services including, for example, the following—
 - (i) buses, ferries and other methods of transport;
 - (ii) aerodromes, boat ramps, jetties, marinas, parking facilities and other facilities necessary or convenient for transport;
 - (iii) construction and maintenance of private roads.

28 Limits of enterprise powers—Act, s 500

- (1) For section 500(2)(a)⁹ of the Act, the components of a local government's own source revenue are mentioned in schedule 2.
- (2) For section 500(2)(b) of the Act, the percentage is 5%.
- (3) For section 500(4) of the Act, 3 years is the maximum number of years.¹⁰

Part 6 National competition reform of significant business activities

29 Public benefit assessments and public benefit assessment reports—Act, s 559

- (1) Public benefit assessments and public benefit assessment reports must, to the extent it is reasonably practicable, comply with the assessment guidelines.
- (2) In this section—

⁹ Section 500 (Establishing enterprise powers limits) of the Act

¹⁰ See section 500(3) of the Act.

assessment guidelines means the document called ‘Local Government Competitive Neutrality Public Benefit Assessment Guidelines’, made by the State Local Government National Competition Policy Working Group.¹¹

Part 7 Conduct of competitive business activities

30 Building certification business activity

Any activity carried out by a local government mentioned in schedule 3 is prescribed for section 761, definition *building certification business activity*, of the Act.

31 Activities of local governments that are not business activities—Act, s 762

- (1) For section 762(2)¹² of the Act, an activity of a local government is not a business activity for a financial year if the amount of current expenditure for the activity for the previous financial year is less than \$270 000.
- (2) For subsection (1), the amount of current expenditure for an activity for a financial year is the total of the following amounts for carrying on the activity for the year—
 - operational costs
 - administrative and overhead costs
 - cost of resources
 - depreciation.
- (3) For subsection (2), the administrative and overhead costs must be calculated under the following relevant instrument—

¹¹ A copy of the guidelines may be inspected, free of charge, during office hours at the department’s office at 41 George Street, Brisbane.

¹² Section 762 (Meaning of *business activity*) of the Act

-
- *City of Brisbane Regulation 2004*, schedule 1, section 6¹³
 - *Local Government Finance Standard 2005*, schedule 1, section 6.¹⁴
- (4) For subsection (2), the cost of resources must be calculated under the following relevant instrument—
- *City of Brisbane Regulation 2004*, schedule 1, section 7¹⁵
 - *Local Government Finance Standard 2005*, schedule 1, section 7.¹⁶
- (5) For subsection (2), depreciation must be calculated under the following relevant instrument—
- *City of Brisbane Regulation 2004*, schedule 1, section 8¹⁷
 - *Local Government Finance Standard 2005*, schedule 1, section 8.¹⁸

13 *City of Brisbane Regulation 2004*, schedule 1 (Relevant pricing provisions), section 6 (Allocation of administrative and overhead costs)

14 *Local Government Finance Standard 2005*, schedule 1 (Relevant pricing provisions), section 6 (Allocation of administrative and overhead costs)

15 *City of Brisbane Regulation 2004*, schedule 1 (Relevant pricing provisions), section 7 (Cost of resources used in carrying on activity)

16 *Local Government Finance Standard 2005*, schedule 1 (Relevant pricing provisions), section 7 (Cost of resources used in carrying on activity)

17 *City of Brisbane Regulation 2004*, schedule 1 (Relevant pricing provisions), section 8 (Depreciation)

18 *Local Government Finance Standard 2005*, schedule 1 (Relevant pricing provisions), section 8 (Depreciation)

Part 8 Reform of certain water and sewerage services

32 Requirements for two-part tariff assessments and reports—Act, s 777

- (1) To the extent it is reasonably practicable, two-part tariff assessments and two-part tariff reports must comply with the evaluation guidelines.
- (2) In this section—

evaluation guidelines means the document called ‘Guidelines for Evaluation of Introducing and Improving Two Part Tariffs’ held by the department.¹⁹

two-part tariff assessment means an assessment, carried out under section 773²⁰ of the Act, of the cost effectiveness of the application of a two-part tariff for a relevant business activity providing water services.

Part 9 Complaints about competitive neutrality

33 Maximum fee payable for making a complaint—Act, s 794

For section 794(3)²¹ of the Act, the maximum fee is \$100.

¹⁹ A copy of the guidelines may be inspected, free of charge, during office hours at the department’s office at 41 George Street, Brisbane.

²⁰ Section 773 (Assessment of cost effectiveness of two-part tariffs to be carried out) of the Act

²¹ Section 794 (Requirements for complaint process) of the Act

Part 10 Local laws and subordinate local laws

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

34 Prescribed drafting standards

- (1) This section prescribes for sections 861(2)(c) and 867(2)(b) of the Act the drafting standards for proposed local laws and subordinate local laws.²²
- (2) Proposed local laws and subordinate local laws must—
 - (a) be drafted using gender-neutral language; and
 - (b) have sufficient regard to fundamental legislative principles;²³ and
 - (c) be consistent with the guidelines issued by the parliamentary counsel under the *Legislative Standards Act 1992*, section 9, for local laws and subordinate local laws.²⁴
- (3) However, subsection (2)(a) does not apply to a provision of a proposed law that applies to a specific gender.

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

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

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

24 The matters mentioned in subsection (2)(a) and (b) are dealt with in detail in the guidelines. Copies of the guidelines are available for inspection from the department at 111 George Street, Brisbane. Also, the guidelines may be accessed on the Office of the Queensland Parliamentary Counsel’s website at <www.legislation.qld.gov.au>.

35 Particular application of drafting standards

- (1) This section applies for the application, under section 34(2)(b), of the review principle to a proposed local law or subordinate local law providing for an exercise of administrative power.
- (2) This section applies only to the extent that the application of the review principle may, apart from this section, require a review on the merits of the exercise of the power.
- (3) If the power is proposed to be exercised by an employee of the local government, it is sufficient for the review principle if the law provides for the exercise of the power to be reviewed on the merits by the local government by resolution.
- (4) If the power is proposed to be exercised by the local government by resolution, the review principle does not require that the law provide for the exercise of the power to be reviewed on the merits.
- (5) In this section—

review principle means the fundamental legislative principle mentioned in the *Legislative Standards Act 1992*, section 4(3)(a).

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

36 Definitions for div 2

In this division—

identification guidelines means the document called ‘National Competition Policy Guidelines to Assist Local Governments Identify Possible Anti-competitive Provisions in Proposed Local Laws and Proposed Local Law Policies’ made by the department.²⁵

²⁵ A copy of the guidelines may be inspected, free of charge, during office hours at the department’s office at 41 George Street, Brisbane.

public interest test guidelines means the document called ‘National Competition Policy Guidelines for Conducting Public Interest Tests on “Possible” Anti-competitive Provisions in Local Laws and Local Law Policies’ made by the department.²⁶

37 Anti-competitive provisions—Act, s 885

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

- (a) for a model local law proposed to be made by a local government—a provision the local government considers, under section 5.1.2²⁷ of the identification guidelines, as being within the criteria applied under the section; or
- (b) for a local law (other than a model local law) or a subordinate local law proposed to be made by a local government—a provision that is—
 - (i) not excluded by the local government under section 5.2.1 or 5.2.2²⁸ of the identification guidelines; and
 - (ii) identified by the local government, under section 5.2.3²⁹ of the identification guidelines, as being within the criteria applied under the section.

²⁶ A copy of the guidelines may be inspected, free of charge, during office hours at the department’s office at 41 George Street, Brisbane.

²⁷ Identification guidelines, section 5.1.2 (Confirm identification of possible anti-competitive provisions in model local law)

²⁸ Identification guidelines, section 5.2.1 (Exclude any proposed local law which satisfies the principles for a general exclusion) or 5.2.2 (Exclude any proposed local law which does not apply to a commercial activity)

²⁹ Identification guidelines, section 5.2.3 (Apply the 11 criteria to proposed local law)

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

- (1) For section 893(a)³⁰ of the Act, a local government must, to the extent it is reasonably practicable, follow the procedures, and use the criteria, mentioned in the identification guidelines to identify possible anti-competitive provisions of proposed local laws or proposed subordinate local laws.
- (2) For section 893(b) of the Act, public interest tests and public interest test reports must, to the extent it is reasonably practicable, comply with the public interest test guidelines.
- (3) For section 893(c) of the Act, a local government must, to the extent it is reasonably practicable, give information in accordance with the identification guidelines.

Division 3 Public access to subordinate local laws

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

- (1) A local government's register of subordinate local laws must contain the following information about each law—
 - (a) the law's name;
 - (b) the law's purposes and general effect;
 - (c) the name of the local law allowing the law to be made;
 - (d) the name of any existing subordinate local law amended or repealed by the new law;
 - (e) if the law is for a limited period—details of the limitation;
 - (f) if the law applies only to a part of the local government's area—a description of the part;
 - (g) the day the local government makes the law;³¹

30 Section 893 (Regulation about public interest tests and public interest test reports) of the Act

31 See section 881(1) (Step 5—make proposed subordinate local law) of the Act.

- (h) the day the notice advising of the making of the law is published and the name of each newspaper in which the notice appeared;³²
 - (i) the day the law commences.³³
- (2) The local government may include any other information in the register about the law that it considers appropriate.

Part 11 **Local government infrastructure**

40 Register of roads—Act, s 921

- (1) For section 921(3)(c) of the Act, the other particulars 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 this section—
- (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.

³² See section 882(1) (Step 6—give public notice of subordinate local law) of the Act.

³³ See section 882(4) of the Act.

(3) In this section—

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

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

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

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

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

Part 12 Rates and charges

41 Land exempted from rating—Act, s 957

- (1) For section 957(1)(f)³⁴ of the Act, the land mentioned in schedule 4 is exempt from rating.
- (2) For this section, land may be taken to be used for a purpose (the *primary purpose*) even though it is also used for purposes incidental to the primary purpose, including some commercial purposes.

Example—

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

34 Section 957 (What land is rateable) of the Act

42 Land record—Act, s 994

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

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

For section 1018(3)(a)³⁵ of the Act, the rate of interest must not be more than 11% a year.

35 Section 1018 (Overdue rates may bear interest) of the Act

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

- (1) For section 1041(3)³⁶ of the Act, a notice of intention to sell land must include the following—
 - (a) a statement that the local government has decided to sell the land because an overdue rate has remained unpaid;
 - (b) a statement that the notice is a notice of intention to sell land under section 1041 of the Act;
 - (c) the day the relevant resolution was made under section 1040 of the Act and the terms of the resolution;
 - (d) a description of the location and size of the land as shown in the local government's land record;
 - (e) details of all overdue rates for the land including the period for which the rates have remained unpaid;
 - (f) details of interest accrued to the date of the notice and the rate at which interest is accruing;
 - (g) a description of the way the interest mentioned in paragraph (f) is calculated;
 - (h) the amount of all overdue rates and other amounts owing at the date of the notice.³⁷
- (2) The chief executive officer must sign the notice.

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

A notice mentioned in section 1049(2)³⁸ of the Act must be in the approved form for a transfer lodged in the land registry.

36 Section 1041 (Local government must first give notice) of the Act

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

38 Section 1049 (Issue of title) of the Act

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

An application mentioned in section 1050(2)³⁹ of the Act must be in the approved form for a general request lodged in the land registry.

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

- (1) For section 1052(2)⁴⁰ of the Act, a notice of intention to acquire land must include the following matters—
 - (a) a statement that the local government is acquiring the land under section 1051 of the Act;
 - (b) a statement that the notice is a notice of intention to acquire land under section 1052 of the Act;
 - (c) the day the relevant resolution was passed under section 1051A⁴¹ of the Act and the terms of the resolution;
 - (d) a description of the location and size of the land as shown in the local government's land record;
 - (e) details of all overdue rates for the land, including the period for which the rates have remained unpaid;
 - (f) details of interest accrued to the date of the notice and the rate at which interest is accruing;
 - (g) a description of the way the interest mentioned in paragraph (f) is calculated;
 - (h) the amount of all overdue rates at the date of the notice;
 - (i) a copy of section 1052A⁴² of the Act and a general outline of the owner's rights to pay overdue rates.
- (2) The chief executive officer must sign the notice.

39 Section 1050 (Acquisition by local government of title to land) of the Act

40 Section 1052 (Local government must first give notice) of the Act

41 Section 1051A (Resolution to remove valueless land from land record) of the Act

42 Section 1052A (Restoration of valueless land to land record) of the Act

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

An application mentioned in section 1053(3)⁴³ of the Act must be in the approved form for a general request lodged in the land registry.

Part 13 Provisions aiding local government**49 Who may be appointed as authorised persons—Act, s 1084**

For section 1084(1)(b)⁴⁴ of the Act, each of the following persons may be appointed by a local government (the *appointing local government*) as an authorised person—

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

50 Insurance against liability—Act, s 1123

For section 1123 of the Act—

43 Section 1053 (Application to be registered as owner) of the Act

44 Section 1084 (Appointment) of the Act

- (a) the minimum amount of public liability insurance is \$30 000 000; and
- (b) the minimum amount of professional indemnity insurance is \$10 000 000.

Part 14 Local government staff

Division 1 Equal opportunity of employment

Subdivision 1 Object of division and related matters

51 Purpose and role of EEO

- (1) The purpose of this division 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;⁴⁵ and
 - (c) increasing the effectiveness of service delivery and decision making by adopting an employee profile more accurately reflecting the community profile.

52 How purpose is to be achieved

- (1) The purpose of the division is to be achieved by—

⁴⁵ The social justice obligations of equity and fairness are based on the idea that all people should be able to compete for employment on the basis of the ability to do the job.

- (a) requiring each local government to take the steps specified in subdivision 2⁴⁶ to develop an EEO management plan complying with subsection (2); and
 - (b) requiring each local government to implement its EEO management plan under subdivision 3;⁴⁷ and
 - (c) establishing procedures to monitor compliance with the requirements.
- (2) An EEO management plan must be capable of—
- (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.

53 Merit principle reinforced

Nothing in this division 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.

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

For section 1130(2)(b)⁴⁸ of the Act, the criteria the Minister must consider before exempting a local government from complying with this division are—

46 Subdivision 2 (Development of equal employment opportunity management plan)

47 Subdivision 3 (Implementation of plan)

48 Section 1130 (Personnel practices) of the Act

- (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 division are outweighed by the likely financial and administrative costs to the local government of adopting and implementing the plan.

Subdivision 2 Development of equal employment opportunity management plan

55 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 developed in time for implementation of the plan to begin when the local government's corporate plan is adopted.

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

Step 8—Assess implementation

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

Subdivision 3 Implementation of plan

57 Local government to give effect to EEO management plan

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

58 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.

Subdivision 4 EEO information in annual report

59 Local government's activities to implement EEO management plan

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

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

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

Subdivision 5 Supervision by chief executive

60 Chief executive may take action if dissatisfied with EEO management

- (1) This section applies if the 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 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 chief executive officer recommends be taken.

61 Local government to comply with recommendation unless chief executive notified

A local government must comply with a notice given to its chief executive officer under section 60(2) within the period stated for the action unless the chief executive officer gives the chief executive written notice of the local government's reason for not complying with the recommendation.

62 Chief executive's power if local government does not act or give satisfactory reasons

- (1) This section applies if the chief executive is not satisfied—
 - (a) the local government has taken the action the chief executive has recommended within the period stated for the action; or

- (b) about the local government's reasons given in its notice for not complying with the recommendation.
- (2) The chief executive may—
 - (a) report the matter to the Minister; or
 - (b) refer the matter to the Anti-Discrimination Tribunal.

Subdivision 6 Supervision by tribunal

63 Tribunal may recommend conciliation

If the Anti-Discrimination Tribunal believes a reference given to it under section 62(2)(b) may be resolved by conciliation, the tribunal may recommend that the chief executive officer of the relevant local government and the chief executive try to resolve the reference by conciliation.

64 Otherwise tribunal must determine reference

The Anti-Discrimination Tribunal must determine a reference given to it, unless the reference is resolved by conciliation because of a recommendation under section 63.

65 Tribunal may investigate a reference

The Anti-Discrimination Tribunal may hold an investigation into a reference.

66 Legal representation with permission

During an investigation into a reference, any of the following may be represented by a lawyer with the Anti-Discrimination Tribunal's permission—

- (a) the chief executive;
- (b) the relevant local government;
- (c) the local government's chief executive officer.

67 Tribunal's powers for an investigation

- (1) For an investigation, the Anti-Discrimination Tribunal may require the particular local government or its chief executive officer—
 - (a) to answer a question; or
 - (b) to give the tribunal information; or
 - (c) to produce to the tribunal a document or other thing; or
 - (d) to give the tribunal a copy of a document.
- (2) A requirement under subsection (1) must—
 - (a) be in writing; and
 - (b) state or describe the information, document or thing required; and
 - (c) state a reasonable period for compliance.
- (3) The local government or chief executive officer required, under subsection (1), by the tribunal to do something must comply with the requirement even though—
 - (a) compliance with a similar requirement in proceedings in a court of law might be excused on the grounds of public interest; or
 - (b) the local government or chief executive officer might be able to claim privilege.
- (4) Subsection (3) applies even if the local government or chief executive officer is subject to a duty of secrecy or other restriction on disclosure.
- (5) However, despite subsection (3), an individual is not required to answer a question, or give information, that might tend to incriminate the individual.

68 End of reference

- (1) At the end of a reference, the Anti-Discrimination Tribunal must give the following persons a report, with or without recommendations—
 - (a) the relevant chief executive officer of the local government;

(b) the chief executive.

- (2) The chief executive must give the Minister a copy of the report as soon as practicable after receiving it.

69 Recommendation may be to amend EEO management plan

The Anti-Discrimination Tribunal may, in its report under section 68, recommend that a local government amend its EEO management plan in a particular way.

70 Local government to comply with recommendation

A local government must comply with a recommendation given in a report under section 68(1).

Subdivision 7 Tabling of reports and review of division

71 Minister may table report

The Minister may table in the Legislative Assembly a report given to the Minister under section 62(2)(a) or 68(2).⁴⁹

Division 2 Register of delegations by chief executive officer to employees

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

For section 1132(4)⁵⁰ of the Act, the particulars are—

- (a) the name of the person, or the title of the office held by the person, to whom the powers are delegated; and

⁴⁹ Sections 62 (Chief executive's power if local government does not act or give satisfactory reasons) and 68 (End of reference)

⁵⁰ Section 1132 (Delegation by chief executive officer) of the Act

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

Division 3 Matters about disclosures by employees

73 Definitions for div 3

In this division—

related, to a relevant employee, see section 74.

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

relevant employee, of a local government, means—

- (a) the chief executive officer; or
- (b) a senior executive officer of the local government; or
- (c) an employee of the local government about whom the chief executive officer of the local government must keep a register because the local government has made a decision about the employee under section 1139(2)(b)⁵¹ of the Act.

sponsored hospitality benefit see section 75.

51 Section 1139 (Registers of interests) of the Act

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

For section 1139(1)(b) and (2)(c)⁵² of the Act, a person is related to a relevant employee if—

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

75 Meaning of *sponsored hospitality benefit*

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

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

76 Registers of interests of relevant employees and related persons

- (1) For section 1139(3)(b) of the Act, the financial and non-financial particulars are mentioned in schedule 5.
- (2) A register of interests of a relevant employee must contain particulars about interests held only by the relevant employee—

52 Section 1139 (Registers of interests) of the Act

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

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

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

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

Part 15 Superannuation

78 Local government entities

For section 1170, definition *local government entity*, paragraph (b), of the Act, each of the entities mentioned in schedule 6 is a local government entity for chapter 17⁵³ of the Act.

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

- (1) For section 1181(1)(f) of the Act, the following persons are prescribed—
 - (a) a member's spouse;
 - (b) an entitled former spouse;
 - (c) an employee of—
 - (i) Resolute Information Technology; or
 - (ii) the Local Government Managers Australia (QLD) Inc.;
 - (d) a person who—
 - (i) is an employee of South East Queensland Water Corporation Limited ACN 088 729 766; and
 - (ii) was, immediately before 17 March 2000, an employee of the South East Queensland Water Board and a member of the scheme.
- (2) Subsection (3), definition *spouse*, applies despite the *Acts Interpretation Act 1954*, section 32DA(6).
- (3) In this section—

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

scheme means the Local Government Superannuation Scheme.

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

spouse does not include a de facto partner of the same gender.

80 Interest payable on outstanding contributions—Act, s 1188

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

Part 16 Enclosures for restricted dogs

Division 1 Preliminary

81 Operation of pt 16

This part prescribes, for section 1193ZC(4) of the Act, requirements for an enclosure for a restricted dog.

82 Definition for pt 16

In this part—

permitted place means a place for which a restricted dog permit for a restricted dog has been given.

Division 2 Requirements

83 Public access to front entrance of house

The enclosure must not be built or situated in a way requiring a member of the public seeking access to the front entrance of a dwelling house on the permitted place to go into the enclosed area.

84 Minimum enclosed area

The area enclosed must be at least 10 m².

85 Minimum height

The walls of the enclosure must be at least 1.8 m high above ground level.

86 Standard for enclosure materials

The enclosure must consist of firm and strong materials.

87 Enclosure walls

- (1) The exterior of the walls of the enclosure must be designed to prevent children from climbing into the enclosure.
- (2) The walls may include a perimeter fence for the permitted place or an exterior wall of a structure if it complies with the requirements for the enclosure under section 1193ZC of the Act and this division.

88 Gate requirements

- (1) The enclosure must include a gate (the *enclosure gate*).
- (2) The enclosure must not have a driveway gate or other vehicle entry gate (a *vehicle gate*).
- (3) The enclosure gate must—
 - (a) be childproof, self-closing and self-latching; and
 - (b) comply with the requirements for the enclosure under section 1193ZC of the Act and this division.
- (4) However, the enclosure may have another gate that is not self-closing and self-latching if it—
 - (a) is not a vehicle gate; and
 - (b) complies with section 87; and
 - (c) is kept securely locked whenever it is not in immediate use.

89 Weatherproof sleeping area required

The enclosure must include a weatherproof sleeping area appropriate for a dog.

Examples of an appropriate weatherproof sleeping area—

- 1 a kennel
- 2 an area of an appropriate size, covered by an appropriate verandah or other roof

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

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

- (a) for a model local law made by a local government—a provision the local government considers, under section 5.1.2 of the identification guidelines, as being within the criteria applied under the section; or
- (b) for a local law (other than a model local law) or a subordinate local law made by a local government—a provision that is—
 - (i) not excluded by the local government under section 5.2.1 or 5.2.2 of the identification guidelines; and
 - (ii) identified by the local government, under section 5.2.3 of the identification guidelines, as being within the criteria applied under the section.

91 Anti-competitive provisions—Act, s 1231

- (1) For section 1231(a)⁵⁴ of the Act, a local government must, to the extent it is reasonably practicable, follow the procedures, and use the criteria, mentioned in the identification guidelines to identify possible anti-competitive provisions of existing local laws or proposed subordinate local laws.
- (2) For section 1231(b) of the Act, public interest tests and public interest test reports must, to the extent it is reasonably practicable, comply with the public interest test guidelines.
- (3) For section 1231(c) of the Act, a local government must, to the extent it is reasonably practicable, give information in accordance with the identification guidelines.

Part 18 Repeal**92 Repeal of *Local Government Regulation 1994***

The *Local Government Regulation 1994* is repealed.

54 Section 893 (Regulation about public interest tests and public interest test reports) of the Act

Schedule 1 Councillors' and related persons' particulars for registers

section 24

1 Controlling interest in corporation

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

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

2 Officer of corporation

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

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

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

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

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

4 Trustee for trust

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

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

5 Partnership and joint venture

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

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

6 Land

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

Schedule 1 (continued)

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

7 Liability

- (1) The particulars required for each liability, other than department store and credit card accounts, of a councillor, related person, trust or private corporation 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 \$10 000 or less; or
 - (b) arises from the supply of goods or services supplied in the ordinary course of—
 - (i) the councillor's business; or
 - (ii) the business of the trust or private company.

- (3) In this section—

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

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

8 Debentures and similar investments

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

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

Schedule 1 (continued)

9 Savings and investment accounts

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

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

10 Gifts totalling more than \$500

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

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

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

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

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

Schedule 1 (continued)

11 Sponsored hospitality benefit

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

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

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

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

13 Other assets with value more than \$5 000

The particulars required for each other asset of a councillor or related person with a value of more than \$5 000, other than the following, are sufficient details of the asset to identify it—

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

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

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

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

Schedule 1 (continued)

15 Other financial or non-financial interests

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

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

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

Schedule 2 Components of local government's own source revenue

section 28

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

Schedule 3 Local governments for building certification business activity

section 30

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

Schedule 3 (continued)

Redcliffe City Council

Redland Shire Council

Rockhampton City Council

Thuringowa City Council

Toowoomba City Council

Townsville City Council

Whitsunday Shire Council

Schedule 4 Land exempted from rating

section 41

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

Schedule 4 (continued)

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

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

section 76

1 Controlling interest in corporation

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

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

2 Officer of corporation

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

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

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

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

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

4 Trustee for trust

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

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

5 Partnership and joint venture

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

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

Schedule 5 (continued)

6 Land

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

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

7 Liability

(1) The particulars required for each liability, other than department store and credit card accounts, of a relevant employee, related person, trust or private corporation 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 \$10 000 or less; or
- (b) arises from the supply of goods or services supplied in the ordinary course of—
 - (i) the relevant employee's business; or
 - (ii) the business of the trust or private company.

(3) In this section—

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

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

8 Debentures and similar investments

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

Schedule 5 (continued)

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

9 Savings and investment accounts

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

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

10 Gifts totalling more than \$500

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

Schedule 5 (continued)

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

11 Sponsored hospitality benefit

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

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

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

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

13 Other assets with value more than \$5 000

The particulars required for each other asset of a relevant employee or related person with a value of more than \$5 000, other than the following, are sufficient details of the asset to identify it—

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

- (a) a relevant employee or related person;

Schedule 5 (continued)

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

15 Other financial or non-financial interests

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

Schedule 6 Local government entities—Act, chapter 17

section 78

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

Schedule 6 (continued)

Regional Galleries Association of Queensland Inc.

St. Pauls Island Council

Stanthorpe Art Gallery Society Incorporated

Stanthorpe Dingo Fence Maintenance Association

Sunshine Coast Events Centre Pty Ltd ACN 107 604 991

Townsville Thuringowa Water Supply Board

Warraber Island Council

Wide Bay Water Corporation

Schedule 7 Dictionary

section 3

Anti-Discrimination Tribunal means the Anti-Discrimination Tribunal established under the *Anti-Discrimination Act 1991*.

class change issue see section 9.

community of interest issue see section 10.

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

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

convertible note see the Corporations Act, section 9.

corporation see the Corporations Act, section 9.

debenture see the Corporations Act, section 9.

divisional boundaries issue see section 11.

EEO management plan means an equal employment opportunity management plan required under section 55.

employee means an individual appointed or engaged—

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

employment matters means any matter 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.

gift means—

Schedule 7 (continued)

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

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

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

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

identification guidelines see section 36.

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

joint arrangements issue see section 12.

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

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

permitted place, for part 16, see section 82.

planning issue see section 13.

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

Schedule 7 (continued)

public interest test guidelines see section 36.

related—

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

related person—

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

relevant employee, for part 14, division 3, and schedule 4 see section 73.

resource base sufficiency issue see section 14.

securities see the Corporations Act, section 92.

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

share means—

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

sponsored hospitality benefit—

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

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

target group means 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;

Schedule 7 (continued)

(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.

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

(a) consists of the following—

(i) employers or employees;

(ii) persons engaged in a profession, trade or other occupation; and

(b) has an object of furthering the professional, industrial or economic interests of the body or its members.

trade union means—

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

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

unlawful discrimination means discrimination that is unlawful under the *Anti-Discrimination Act 1991*.

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

ENDNOTES

- 1 Made by the Governor in Council on 5 May 2005.
- 2 Notified in the gazette on 6 May 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Local Government, Planning, Sport and Recreation.