



Queensland

# Local Government Legislation Amendment Regulation 2019

## Subordinate Legislation 2019 No. 39

made under the

*City of Brisbane Act 2010*

*Local Government Act 2009*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Local Government Legislation Amendment Regulation 2019*.

### 2 Commencement

The following sections commence on 1 July 2019—

- (a) sections 4 to 6;
- (b) sections 9 to 11.

## Part 2 Amendment of City of Brisbane Regulation 2012

### 3 Regulation amended

This part amends the *City of Brisbane Regulation 2012*.

### 4 Replacement of s 16 (Thresholds for significant business activities—Act, s 47(4)(b))

Section 16—

*omit, insert—*

#### **16 Threshold for significant business activity— Act, s 47**

- (1) This section prescribes, for section 47(4)(b) of the Act, the threshold a business activity must meet to be a significant business activity for a financial year (the *current financial year*).
- (2) The threshold for the business activity is expenditure of at least \$9.7m for the business activity for the financial year ending immediately before the current financial year.

[s 5]

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- (3) The Minister must consult with LGAQ Ltd. about a proposed amendment to the threshold.

**5 Amendment of s 28 (Building certifying activity—Act, s 51(4)(b))**

Section 28, heading, ‘s 51(4)(b)’—

*omit, insert—*

**s 51**

**6 Amendment of s 29 (Prescribed business activities—Act, s 51(7))**

- (1) Section 29, heading, ‘s 51(7)’—

*omit, insert—*

**s 51**

- (2) Section 29(1), ‘\$328,000’—

*omit, insert—*

\$340,000

**7 Replacement of s 125 (Interest on overdue rates or charges)**

Section 125—

*omit, insert—*

**125 Interest on overdue rates or charges**

- (1) Interest is payable on overdue rates or charges from—
- (a) the day the rates or charges become overdue; or
  - (b) a later day decided by the council.
- (2) Interest must be calculated—
- (a) on daily rests and as compound interest; or

- 
- (b) in another way the council decides, if an equal or lower amount will be payable.
- (3) The rate of interest payable is—
- (a) for a day before 1 July 2019—an annual rate, of not more than 11%, decided by the council; or
- (b) for a day on or after 1 July 2019—an annual rate, of not more than the prescribed rate for the day, decided by the council.
- (4) A decision of the council under this section must—
- (a) apply equally to all ratepayers; and
- (b) for a decision under subsection (3)(b)—be made by resolution at the council’s budget meeting for the financial year that includes the day to which the decision relates.
- (5) In this section—

**bank bill yield rate**, for a day, means the monthly average yield of 90-day bank accepted bills published by the Reserve Bank of Australia for the month of March in the financial year immediately before the financial year in which the day occurs.

*Editor’s note—*

The monthly average yield of 90-day bank accepted bills can be accessed on the Reserve Bank of Australia’s website.

**prescribed rate**, for a day, means the rate that is the sum of—

- (a) the bank bill yield rate for the day, rounded to 2 decimal places; and
- (b) 8%.



*combined water and sewerage service* means a service that is the supply of a water service and a sewerage service.

*sewerage service* see the *Water Supply (Safety and Reliability) Act 2008*, schedule 3.

## 20 Identifying significant business activities for report

- (1) This section states the information that a local government must use to identify significant business activities in its annual report for a financial year (the *current financial year*) under section 45(b) of the Act.
- (2) The local government must use the following information—
  - (a) if the business activity is the provision of combined water and sewerage services—the information about the number of premises connected to a water service stated in the local government’s performance report for the financial year ending immediately before the current financial year;
  - (b) for another business activity—the information presented to the local government’s budget meeting for the financial year ending immediately before the current financial year.

- (3) In this section—

*performance report*, of a local government, means a performance report given to the regulator by the local government under the *Water Supply (Safety and Reliability) Act 2008*, section 142A.

[s 10]

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**10 Amendment of s 38 (Building certifying activity—Act, s 47(4)(b))**

Section 38, heading, ‘s 47(4)(b)’—

*omit, insert—*

**s 47**

**11 Amendment of s 39 (Prescribed business activities—Act, s 47(7))**

(1) Section 39, heading, ‘s 47(7)’—

*omit, insert—*

**s 47**

(2) Section 39(1), ‘\$328,000’—

*omit, insert—*

\$340,000

**12 Replacement of s 133 (Interest on overdue rates or charges)**

Section 133—

*omit, insert—*

**133 Interest on overdue rates or charges**

- (1) Interest is payable on overdue rates or charges from—
  - (a) the day the rates or charges become overdue; or
  - (b) a later day decided by the local government.
- (2) Interest must be calculated—
  - (a) on daily rests and as compound interest; or
  - (b) in another way the local government decides, if an equal or lower amount will be payable.



- (3) The rate of interest payable is—
- (a) for a day before 1 July 2019—an annual rate, of not more than 11%, decided by the local government; or
  - (b) for a day on or after 1 July 2019—an annual rate, of not more than the prescribed rate for the day, decided by the local government.
- (4) A decision of the local government under this section must—
- (a) apply equally to all ratepayers; and
  - (b) for a decision under subsection (3)(b)—be made by resolution at the local government’s budget meeting for the financial year that includes the day to which the decision relates.

- (5) In this section—

**bank bill yield rate**, for a day, means the monthly average yield of 90-day bank accepted bills published by the Reserve Bank of Australia for the month of March in the financial year immediately before the financial year in which the day occurs.

*Editor’s note—*

The monthly average yield of 90-day bank accepted bills can be accessed on the Reserve Bank of Australia’s website.

**prescribed rate**, for a day, means the rate that is the sum of—

- (a) the bank bill yield rate for the day, rounded to 2 decimal places; and
- (b) 8%.

ENDNOTES

- 1 Made by the Governor in Council on 28 March 2019.
- 2 Notified on the Queensland legislation website on 29 March 2019.
- 3 The administering agency is the Department of Local Government, Racing and Multicultural Affairs.

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