

LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL 1999

EXPLANATORY NOTES

GENERAL OUTLINE

Objectives of the Legislation

The policy objectives of the Bill are to:

- clarify and enhance the workability of provisions in the *Local Government Act 1993* and the *City of Brisbane Act 1924* dealing with rates and charges, the local law making process, the conduct of elections and the disclosure of election gifts;
- enable the Brisbane City Council (BCC) to enter into an agreement with the Electoral Commission of Queensland (ECQ) to conduct BCC elections;
- provide BCC with added flexibility in purchasing arrangements;
- allow provisions in the *Local Government (Aboriginal Lands) Act 1978* dealing with the community control of alcohol in the Aurukun Shire to continue and to enhance certain administrative arrangements;
- clarify that BCC may make and levy separate rates and charges for the purpose of contributing amounts raised to a rural fire brigade operating in the City; and
- provide for certain minor and technical amendments to a number of Acts.

Reasons for and Achievement of the Policy Objectives

The Bill amends the relevant legislation to achieve the policy objectives outlined above.

Alternatives to the Bill

There are no alternatives considered appropriate for achieving these policy objectives.

Estimated Cost of Implementation

The costs to Government of implementing the Bill will be administrative in nature and will not be significant. Costs will be met within existing budgetary allocations.

Consistency with Fundamental Legislative Principles

The Bill has been drafted with regard to the fundamental legislative principles.

Consultation*Rates and charges*

A discussion paper was issued seeking comment on the need for changes to certain local government rating provisions in the *Local Government Act 1993* and the *City of Brisbane Act 1924*. Draft legislative proposals were subsequently developed and released for public comment. The proposals were distributed to a wide range of stakeholders.

Local law making process

An evaluation of the local law making process was conducted with the aim of ensuring the process for making local laws is workable for all concerned. As part of the process, a broad range of local government and non-local government stakeholders were consulted through the release of a discussion paper. Draft legislative proposals were subsequently developed and released for public comment. The proposals were distributed to a wide range of stakeholders.

Electoral provisions

An evaluation was conducted of the procedures used in the conduct of the local government triennial elections in 1997. Returning officers in the elections identified a number of issues which required clarification or where the workability of the provisions could be improved. The Local Government Association of Queensland and the Institute of Municipal Management were consulted on the draft legislative proposals subsequently developed to address a number of the issues identified in the evaluation.

BCC and the ECQ have been consulted on draft legislative proposals to allow for the ECQ to be responsible for the conduct of BCC elections.

Disclosure of election gifts

Consultation was undertaken on the disclosure of election gifts in local government elections. Draft legislative proposals were developed and released for public comment. The proposals were distributed to a wide range of stakeholders.

Community controls on alcohol in Aurukun

The *Local Government (Aboriginal Lands) Act 1978* was amended in March 1995 to assist with community control of sly-grogging and drinking in public and private places in the Shire of Aurukun. The provisions were enacted on a trial basis of two years and were due to expire on 1 December 1997. This was subsequently extended to 30 June 1999.

A review has been undertaken to assess how well the provisions have been implemented and whether or not the provisions remain relevant to addressing community needs in Aurukun. The review concluded that the legislation should continue with certain changes to administrative arrangements currently provided in the Act. The relevant stakeholders have been consulted on the proposed amendments.

Miscellaneous Amendments

Key stakeholders have been consulted on the balance of the amendments included in the Bill.

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Clause 1 sets out the short title of the Act.

Clause 2(1) provides that sections 13, 17 and 78 commence on 1 July 1999. These provisions amend the *City of Brisbane Act 1924* and the *Local Government Act 1993* about rates and charges.

Clause 2(2) provides that part 5, division 4; schedule 2, part 2; and schedule 3, part 2 commence on 1 January 2000. All these provisions amend the *Local Government Act 1993* about local laws and local law policies.

Clause 2(3) provides that sections 14 and 73 commence on 1 July 2000. These provisions amend the *City of Brisbane Act 1924* and the *Local Government Act 1993* about rates and charges.

Clause 2(4) provides that the remaining provisions will commence on the date of assent.

PART 2—AMENDMENTS OF CITY OF BRISBANE ACT 1924

Division 1—Preliminary

Clause 3 provides that part 2 and schedule 1 amend the *City of Brisbane Act 1924*.

Division 2—Amendments of City of Brisbane Act 1924 about elections

Clause 4 amends section 3 by inserting a definition for ‘electoral commission’ in the Act.

Clause 5 repeals sections 16(3) and (4). These provisions are incorporated in section 16A in *Clause 6* of the Bill.

Clause 6 inserts a new section 16A dealing with returning officers for BCC elections. This section essentially re-states the repealed provisions in section 16(3) and (4) which provide that the town clerk is the chief returning officer for BCC elections. However, these provisions will not apply to a BCC election conducted by the ECQ.

Clause 7 amends section 17(4) to provide that where the ECQ conducts a BCC election, the ECQ must give the public notice mentioned in the section.

Clause 8 inserts a new section 17A to provide that BCC may enter into an agreement with the ECQ for the conduct of a BCC election by the Commission. The agreement could be for the Commission to conduct the triennial elections in the City or a by-election in a ward. The Council can proceed with an agreement after it passes a resolution authorising an agreement to be entered into. If the Council does not make such an arrangement with the ECQ, then it retains responsibility for the conduct of elections and as currently provided under the Act, the town clerk is the chief returning officer for the elections.

Division 3—Amendments of City of Brisbane Act 1924 about rates

Clause 9 amends section 3 by inserting new definitions for ‘budget meeting’, ‘discount date’ and ‘discount period’.

Clause 10 replaces section 51 by inserting a new definition for ‘separate rate or charge’. The amended section includes minor changes to the wording for consistency with the *Local Government Act 1993* and does not change its current meaning.

Clause 11 amends section 56 by providing that a minimum general rate levy must not be applied to a parcel of land to which a discounted valuation applies under section 25 of the *Valuation of Land Act 1944*, while the discount period is in force.

Currently section 25 of the *Valuation of Land Act 1944* provides for a separate valuation to be issued for each lot in a plan of subdivision and for this valuation to be discounted for rating purposes on certain newly subdivided land. A local government must apply this provision when determining the rate to be levied for the land. The amendment corrects an unintended consequence of the previous amendment to section 25 of the *Valuation of Land Act 1944*. *Clause 11* mirrors the amendment of section 967 of the *Local Government Act 1993* (see *Clause 75*).

Clause 12 amends section 57(1) reflecting a minor wording amendment made to section 51 (Meaning of “separate rate or charge”) in *Clause 10*.

Clause 13 amends section 60 by providing that a rate notice must state the date the rate notice was issued and the date by or the time within which the rate must be paid. The amendment facilitates broader flexibility introduced by *Clause 16*.

Subsection (2B) clarifies that charges which are not rates, such as licence fees which are payable to BCC by a landowner, may be stated on a rate notice.

Clause 14 also amends section 60. These changes take effect for the 2000/2001 budget, allowing BCC a transitional period to make any necessary changes to administrative systems, to facilitate greater flexibility in setting discounts introduced by the amendments in *Clause 18*. BCC is, however, not prevented from including this information sooner if it wishes.

Subsection (2A) provides that BCC must give the ratepayer information about any discounts and any requirements for payment by instalments. The information can be shown on the rate notice or accompany the rate notice.

Subsection (2C) provides that if non-rate items are stated on the rate notice, they must be clearly identified as such and the rate notice must make it clear that non-payment of these charges does not affect any discount on rates.

Subsections (2D) and (2E) establish a priority for the allocation of an amount received in respect of a rate notice which is less than the total of all amounts payable and the ratepayer has not indicated which amounts listed

on the rate notice are to be paid. BCC must apply the payment firstly to unpaid rates, secondly to rates levied on the rate notice and thirdly to any non-rate items that are payable. This amendment mirrors the amendment of section 1008 of the *Local Government Act 1993* (see *Clause 79*).

Clause 15 inserts a new section 60(3A) clarifying that BCC need not issue a rate notice with a zero balance when rates have been paid in advance.

Clause 16 amends section 65 by providing BCC with flexibility to set the time by which, or the time within which, each rate must be paid. Ratepayers are to be given at least 30 days after the date of issue of the rate notice to pay the rate. All ratepayers liable to pay the rate are to be given the same time to pay the rate.

Subsection (3) provides BCC may alter the discount date or discount period for the rate under section 68(4), provided the time by which the rate must be paid is, if necessary, adjusted to ensure it is not before the end of the new discount period.

The amendment mirrors the amendment of section 1014 of the *Local Government Act 1993* (see *Clause 81*).

Clause 17 amends section 67 to facilitate implementation of the amended section 65 in *Clause 16*.

Clause 18 replaces section 68 and inserts new sections 68A, 68B and 68C. The amendments mirror the amendments to sections 1019 - 1022 of the *Local Government Act 1993*. The Explanatory Notes contain a detailed explanation of these amendments (see *Clause 82*).

The new section 68 allows BCC greater flexibility to allow a discount for prompt payment of a rate.

Section 68A applies in respect of discounts applying to rates paid by instalments. Where a rate is being paid by instalments, BCC may allow a discount if the amount of an instalment on the rate is paid by the last day of the period for paying the instalment. If a discount is allowed on an instalment, BCC must allow the discount to all ratepayers paying under the instalment arrangement.

Section 68B provides a discount may be allowed if the payment of a rate is delayed by circumstances beyond the ratepayer's control. This provision reflects new wording in section 65 and does not change the current intent of the law.

Section 68C provides that discounts do not apply if other rates are unpaid for the land. This provision reflects new wording in section 65 and does not change the current intent of the law.

Division 4—Other amendments of City of Brisbane Act 1924

Clause 19 inserts a new section 42A providing BCC with the power to enter into purchasing arrangements consistent with other local governments under the *Local Government Act 1993*. Subsection (1) allows the council to enter into a contract without meeting the requirements for tenders or quotations if the contract is made under an exemption to open competition (prescribed by regulation) or where the contract is for a service and made with a person on a panel of names suitably qualified to provide the service. Subsections (2) and (3) provide the process under which the panel must be established.

Clause 20 amends schedule 3 by repealing section 1(3) regarding advertising of vacancies.

PART 3—AMENDMENTS OF FIRE AND RESCUE AUTHORITY ACT 1990

Clause 21 provides for the amendment of the *Fire and Rescue Authority Act 1990*.

Clause 22 replaces section 128A to clarify that, similarly to the powers currently provided to local governments under the *Local Government Act 1993*, BCC may make and levy separate rates and charges under the *City of Brisbane Act 1924* and contribute amounts raised to rural fire brigades operating in its area.

PART 4—AMENDMENTS OF LOCAL GOVERNMENT (ABORIGINAL LANDS) ACT 1978

Clause 23 provides for the amendment of the *Local Government (Aboriginal Lands) Act 1978*.

Clause 24 amends section 42 by removing the definition of the Aurukun Community Incorporated (ACI). ACI ceased trading in 1997.

Clause 25 amends section 51 by inserting two new subsections and amending existing provisions concerned with the conduct of meetings of the Law Council.

Subsection (3A) provides that notice of a meeting must be given at least two days before the meeting is to be held unless this would be impractical. This section ensures that both members of the Law Council and the police officer in charge of the police station at Aurukun have the opportunity to attend all meetings. The insertion of the new subsection (3B) provides that notice of the meeting must include the day and time for the meeting and an agenda for the meeting.

The amendment of subsection (4) provides added flexibility to the composition of the Aurukun Alcohol Law Council by allowing more than one person from each traditional group to attend meetings and vote on matters considered by the Law Council. If, for instance, the Law Council decided it was appropriate to have a man and a woman representing each traditional group (based on land groupings or spiritual groupings) then it could do so by advising the Minister of the names of the people and groups represented which would then be published in a notice in the Gazette.

The amendment of subsection (5) provides that a regulation may be made about the number of members who may be present at a meeting as well as the traditional groups. If, for instance, the Law Council decided that there should be a change in the composition of the Law Council (eg, two people from each spiritual clan group rather than one person from each land group in the Shire), a regulation may be needed specifying the numbers from each group that constitute a quorum of members at a meeting of the Law Council.

Clause 26 replaces section 55(2) to provide that the chief executive officer of the shire council is the secretary of the Law Council (under the current provision the position is held by the police officer in charge of the police station at Aurukun).

Clause 27 inserts a new section 55A. This new provision provides that it is not mandatory for a Queensland Police Service Officer to attend Law Council meetings. However, as decisions of the Law Council are likely to be enforceable and so that the Police are immediately aware of any decision to issue a permit to carry alcohol, the police officer in charge, or another nominated police officer may attend meetings and advise the Law Council on any issues before it.

Clause 28 replaces section 56 with new provisions concerning reporting requirements of the Law Council. Subsection (1) requires the Law Council to provide a report on its activities for the year to the shire council within 30 days after the end of each financial year. Annual reports are now considered more appropriate than six monthly reports as the critical decision-making period for the Law Council has passed in terms of the establishment of the network of dry and controlled areas.

Subsection (2) provides that a notice must be placed in a newspaper circulating generally in the shire and in a prominent place in the township of Aurukun. Subsection (3) provides that this notice must advise that copies of the report are available from the shire council's office.

Subsection (4) requires that the Law Council's report must be included in the shire council's annual report, making the report accessible to the public, including Government and other interested organisations outside Aurukun.

Clause 29 amends section 57 by removing the reference to the Law Council's six monthly reports. The example is updated to reflect the amendment of section 56 in relation to reporting requirements.

The repeal of section 57(2) removes reference to the Aurukun Community Incorporated (ACI).

Clause 30 inserts a new section 100A requiring that a Magistrates Court must be constituted by a stipendiary magistrate when hearing appeals under division 11 of the Act. A Magistrates Court, constituted by two or more justices (including Justices of the Peace), is able to hear and determine simple offences summarily under this part. However, as the Law Council is made up of elders of the area it would not be appropriate for Justices of

the Peace (who would be from the local community) hearing appeals from the Law Council.

Clause 31 replaces part 6, division 13 to remove references to the expiry of the part. The first new provision, section 109(1), requires that a review of the part must be undertaken by the Minister, as soon as practicable after 30 June 2001, to assess whether the provisions continue to be appropriate for Aurukun. Section 109(2) provides that this report of the review's outcome must be tabled in Parliament before 30 June 2002.

PART 5—AMENDMENTS OF LOCAL GOVERNMENT ACT 1993

Division 1—Preliminary

Clause 32 provides that part 5 and schedule 2 amend the *Local Government Act 1993*.

Division 2—Amendments of Local Government Act 1993 about elections

Clause 33 amends section 270 by extending the time in which a by-election must be held after a vacancy occurs in the office of councillor from two months to ten weeks. There have been instances where the two month time limit has meant a by-election has fallen within holiday periods and this has created potential difficulties for participants in the election. The extra two weeks should give the returning officer the flexibility required to avoid these situations.

Clause 34 amends section 277 by providing a common cut-off date for the voters roll to be used in all local government triennial elections in Queensland. The Act currently provides for different cut-off dates for postal ballot areas (31 December in the year before the triennial elections) and ordinary ballot areas (31 January in the year of the triennial elections).

While only affecting a small number of electors, this system of different cut-off dates can result in electors being disenfranchised or in being enrolled in more than one local government area for the elections. The amendment is intended to prevent this occurring.

Clause 35 amends section 314 by changing the conditions that apply to the refund of an election candidate's nomination deposit. The section is also applicable to candidates at BCC elections.

Subsection (1) provides that a candidate's deposit may be refunded after the conclusion of an election.

Subsection (2) places a further limitation on the circumstances in which the candidate can receive a refund of the nomination deposit. The amendment is necessary to take account of the option provided for a successful candidate to lodge a return under section 427(3) (see *Clause 45*).

In the following cases the candidate can receive a refund after lodging the relevant return detailing election gifts:

- If the candidate is not successful and has lodged a single return after the end of the disclosure period; or
- If the candidate has been successful and has lodged an interim return before making the declaration of office and a final return after the end of the disclosure period.

In the case where a successful candidate has made a return before taking office in accordance with section 427(3), the refund is returned to the councillor as soon as practicable after the end of the disclosure period for the election. Section 427(3) allows the candidate to make a single return. This can occur if the candidate declares that the candidate does not expect to receive any gifts during the remaining disclosure period and if gifts are received a return will be given. The provision requires these candidates to wait until the end of the disclosure period for the election even though the candidate may make no further return after taking office. The effect of the provision is to preserve the current arrangements where candidates can only be refunded their nomination deposits after the disclosure period for the elections.

It is not intended that disclosure requirements for gifts received by a group (under section 427A) are a condition of the refund. The relevant return required before the refund can be made is for gifts received by the candidate individually, ie, gifts disclosed under section 427.

Clause 36 amends section 326 by providing for the use of separate ballot papers for the election of a mayor and councillors in local government elections, unless the returning officer decides to use a combined ballot paper. A decision to use a combined ballot paper is essentially an administrative decision and is considered to be appropriate for the returning officer rather than the council to make, as the Act currently provides.

Clause 37 inserts a new section 346A to remove the requirement for an elector whose name is suppressed in the voters roll (provided under section 343(g) of the Act) to apply for a declaration vote. The amendment requires the returning officer to automatically forward voting material to these electors so that the elector is not required to make an application for a declaration vote. In effect, these electors will be treated the same as electors in a postal ballot election. The voting material must be forwarded as soon as practicable after the nomination day for an election. This brings local government election procedures into line with the procedures applying at State elections.

Clause 38 amends section 353 as a consequence of the amendments made in *Clause 36* requiring separate ballot papers for separate polls.

Clause 39 inserts a new section 363A by providing the returning officer with the discretion to commence the preliminary processing of declaration votes after 8.00am on the day before polling day in a postal ballot election for which a direction has been given under section 318(2)(a) of the Act. In effect, the section applies to any election in a local government area where a postal ballot direction applies to the whole area.

Clause 40 inserts a new section 413A providing for the application of part 8, chapter 5 of the *Local Government Act 1993* to BCC. The proposed amendment means the disclosure regime for electoral gifts will apply to BCC elections from the March 2000 triennial elections.

Clause 41 amends section 415 by clarifying the meaning of ‘nomination day’ as it relates to BCC elections.

Clause 42 inserts a new section 423A providing that the disclosure period for a group of candidates at an election under section 427A starts at the end of the prescribed period after the conclusion of the immediately preceding triennial elections for the relevant local government and ends at the end of the prescribed period after the conclusion of the election.

Clause 43 inserts sections 425A and 425B which provide that the disclosure periods for a candidate in a BCC election or for a group of candidates will commence no earlier than the date of assent of the legislation.

Clause 44 inserts a new section heading for section 426 of the Act, provides for the application of section 426 to the division and inserts new definitions for ‘group of candidates’ and ‘group’s campaign committee’ to apply for this division.

Clause 45 amends section 427 by allowing a successful candidate to declare on the return required before making the declaration of office that the candidate does not expect to receive any gifts during the (remaining) disclosure period for the election. The disclosure period for the election ends 30 days after the conclusion of the election. In this case a further return would only be necessary if gifts were received within that period. The amendment is intended to streamline the current requirement for a councillor to make an interim and final return even though the councillor does not expect to receive gifts in the remainder of the disclosure period.

Clause 46 inserts a new section 427A to provide for the disclosure of electoral gifts made to a group of candidates. A group may be formed to promote the election of candidates for a particular local government, but a group of candidates does not include a political party or an associated entity, ie, the requirements do not apply to a group of candidates endorsed by a registered political party. The amendment requires each candidate in the group to lodge a return stating the details of all the gifts made to the group. This requirement is in addition to the return required in relation to gifts received by the candidate as an individual.

The following examples are provided to clarify the operation of this new section.

Gift Disclosure Scenarios for Candidates

The following scenarios are included to explain the obligations on candidates in various circumstances. This will vary depending on whether the candidate is a member of a group of candidates (as defined), whether the candidate was successful in gaining election or not and whether gifts were expected after giving the return required prior to taking office, ie, the return required under section 242 of the Act.

Successful Candidates

Candidate A was a member of a group of candidates and

- receives electoral gifts, both individually and as a member of the group; and
- expects to receive further gifts, both individually and as a member of the group.

The councillor must complete a return stating the details of gifts made to the councillor as an individual and to the group. The councillor must lodge a final return detailing any further gifts received by the councillor individually, or if no gifts are received, a nil return. If the group receives gifts before the end of the disclosure period, then the details of those gifts will also need to be provided. If no further gifts are made to the group, the councillor is not required to lodge a nil return with respect to the group.

Candidate B was a member of a group of candidates and

- receives electoral gifts, both individually and as a member of the group; and
- expects to receive further gifts as a member of the group; but
- does not expect to receive further gifts as an individual.

The councillor must complete a return stating the details of gifts made to the councillor as an individual and to the group and may declare that the councillor does not expect to receive further gifts as an individual. If this declaration is not made, the councillor must lodge a final return detailing any further gifts received by the councillor individually or if no gifts are received, a nil return. No further group return is required unless the group receives further gifts before the end of the disclosure period. If so, the councillor must lodge a final return stating the relevant details of further gifts made to the group.

Candidate C was a member of a group of candidates and

- receives electoral gifts, both individually and as a member of the group; and

- does not expect to receive further gifts as a member of the group; but
- does expect to receive further gifts as an individual.

The councillor must complete a return stating the details of gifts made to the councillor as an individual and to the group and may declare that the councillor does not expect the group will receive further gifts. The councillor must lodge a final return detailing any further gifts received by the councillor individually or if no gifts are received, a nil return.

Candidate D was a member of a group of candidates and

- receives electoral gifts, both individually and as a member of the group; but
- does not expect to receive further gifts as an individual or as a member of the group.

The councillor must complete a return stating the details of gifts made to the councillor as an individual and to the group and may declare that the councillor does not expect to receive further gifts as an individual or to the group. No further return is required unless gifts are received by the councillor individually or by the group before the end of the disclosure period. If this occurs, the councillor must lodge an amended return stating the relevant details of the gifts made to the councillor and/or to the group.

Candidate E was a member of a group of candidates and

- the group did not receive any gifts; but
- the candidate receives electoral gifts as an individual; and
- does not expect to receive further gifts as an individual.

The councillor must complete a return stating the details of gifts received by the councillor as an individual and may declare that the councillor does not expect to receive any further gifts. No further return is required unless gifts are received by the councillor individually before the end of the disclosure period. If this occurs the councillor must lodge an amended return providing the relevant details of the gifts. If the group receives gifts before the end of the disclosure period, the councillor must lodge a return disclosing the relevant details.

Candidate F was a member of a group of candidates and

- the group did not receive any gifts; but
- receives electoral gifts as an individual; and
- does expect to receive further gifts as an individual.

The councillor must complete a return stating the details of gifts received prior to taking office. The councillor must lodge a final return stating the details of gifts received as an individual or if no gifts are received, a nil return. Should gifts be received by the group before the end of the disclosure period, then the councillor must also lodge a return detailing the relevant details of these gifts.

Unsuccessful Candidates

Candidate K was a member of a group of candidates and

- the group did not receive any gifts; but
- the candidate receives electoral gifts as an individual during the disclosure period.

The candidate must complete a return stating the details of gifts the candidate received up to the end of the disclosure period. The candidate has no obligation to disclose any details in relation to the group.

Candidate L was a member of a group of candidates and

- the group did not receive any gifts; and
- the candidate did not receive electoral gifts as an individual during the disclosure period.

The candidate must complete a return stating that the candidate did not as an individual receive any gifts for the disclosure period, ie, a nil return. The candidate has no obligation to disclose any details in relation to the group.

Candidate M was a member of a group of candidates and

- the group receives gifts; but
- the candidate did not receive electoral gifts as an individual during the disclosure period.

The candidate must complete a return stating the details of gifts received by the group up to the end of the disclosure period. The candidate must also complete a return disclosing that the candidate did not as an individual receive any gifts for the disclosure period, ie, a nil return.

Candidate N was a member of a group of candidates and did not receive gifts individually or to the group.

The candidate must complete a return stating that the candidate did not receive gifts during the disclosure period, ie, a nil return. The candidate has no obligation to disclose any details in relation to the group.

Clause 47 amends section 429 by providing that the chief executive officer of a local government is not required to give reminder notices to successful candidates to complete a second and final return of gifts received if, when submitting the first return, the candidate declares no further gifts were expected.

Clause 48 amends section 430 to clarify that a third party does not include persons who are members of a committee formed to help the campaign in an election of a candidate. This includes persons who are members of a campaign committee associated with a political party, an associated entity or a campaign committee for a candidate or group of candidates in the election.

Division 3—Amendments of Local Government Act 1993 about local laws and local law policies commencing on assent

Clause 49 inserts a new section 856A which provides that a local government before making a model local law must by resolution propose to adopt the model local law.

Clause 50 amends the heading of section 857 to reflect the addition of section 856A in *Clause 49*.

Clause 51 amends the heading of section 858 to reflect the addition of section 856A in *Clause 49*.

Clause 52 amends section 860 by providing that a local government must propose and get the Minister's agreement to make an interim local law, before making the interim local law.

Clause 53 replaces section 861 by providing that the making of a permanent local law must commence at the same time as it is made as an interim local law.

Subsection (1) requires that in addition to providing the Minister with a copy of the proposed local law and reasons why it should be made on an interim basis, information must be provided about any possible anti-competitive provisions and any other information required by the Minister or under a regulation.

Subsection (2) provides that if the Minister agrees that the proposed local law may be made on an interim basis and considers that the proposed local law satisfactorily deals with State interests, the Minister must advise the local government that it may proceed further in making the local law.

Subsection (3) provides that conditions may be imposed as the Minister considers appropriate for making the interim local law.

Subsections (4) and (5) provide that the Minister may impose conditions on the local government and that when these conditions are satisfied the local government may continue to proceed with the making of the interim local law. The conditions may include that the local government undertake a longer consultation period for making the interim local law as a permanent local law.

Subsection (6) provides that the Minister's advice on proceeding with making the interim local law as a permanent local law under division 3 may state that it is not necessary to undertake the State interest check required under step 7. This mirrors section 867(6) which currently allows the local government to by-pass the second State interest check if it has agreed to satisfy particular conditions.

Subsection (7) provides that before the local government proceeds to the next step in making the interim local law it must receive the advice provided under section 861(2) or (4), satisfy any condition about the content of the proposed local law and agree to satisfy any other conditions.

Clause 54 inserts a new section 863A requiring the local government, after making the interim local law, to proceed to make it as an ongoing local law. The local government must publish a notice of its intention to make the local law within 21 days of its resolution, or longer as decided by the Minister under section 861(4), to make the proposed interim local law.

Clause 55 amends section 864 by providing that the process for making other local laws will be subject to section 863A set out above.

Clause 56 amends section 866. The amendment includes a minor change to the wording to reflect current drafting practices and does not change its current meaning.

Clause 57 replaces section 867(1) by requiring that the local government give the Minister a copy of the proposed local law along with other information that must be given.

Clause 58 amends section 868(2)(a) by providing that the condition for a longer consultation period can be made under division 2 (making interim local laws) or division 3 (making other local laws).

Clause 59 amends section 872(1)(a) to reflect the change to section 861(5) in *Clause 53*. It provides that the Minister may advise the local government it may proceed with making the local law without satisfying step 7 of division 3 (again ensuring proposed law satisfactorily deals with any State interest) if it agrees to satisfy particular conditions.

Clause 60 amends section 877. The amendment includes a minor change to the wording to reflect current drafting practices and does not change its meaning.

Clause 61 amends section 883. Subsection (2) is amended to require a local government to apply the process under either division 1 (making model local laws) or division 3 (making other local laws) if the local government wants to start making a local law policy even though the local law has not yet been made. However, the notice given to the public about the proposed local law policy under section 878 must not be published earlier than the notice given to the public about the proposed authorising local law under section 868.

Clause 62 inserts a new section 896A providing that the repeal or amendment of a local law made by an interim local law ceases to have effect when the interim local law expires or is repealed. This section only applies if the interim local law is not made an ongoing local law.

Also, a local law policy or provisions of a local law policy that ceased to have effect because of the repeal of the local law, revives in the form it was immediately before the repeal.

Subsections (4) and (5) clarify that where a local law policy or provision of a local law policy ceases to have effect because of an amendment made to the original local law by an interim local law, on the expiry of the interim local law, the local law policy or provision is taken never to have been affected by the amendment.

Clause 63 inserts a new section 897A clarifying that a local law policy or a provision of a local law policy ceases to have effect when its authorising local law or authorising provision is repealed.

Clause 64 amends section 1228 by providing that following the repeal or amendment of an anti-competitive provision in a local law or local law policy, notice must be published in the gazette for a local law and in a newspaper circulating generally in the local government's area for a local law policy. This is consistent with the requirement to give notice of a local law policy in a newspaper under chapter 12, part 2, division 4, which sets out the process for making local law policies.

Division 4—Amendments of Local Government Act 1993 about local laws and local law policies commencing 1 January 2000

Clause 65 amends section 3 by inserting the definition of 'drafting certificate'. This drafting certificate will show the local government's compliance with a drafting standard set by regulation.

Clause 66 replaces section 853 by providing a change of name of 'local law policies' to 'subordinate local laws'. It is intended this change will clarify the status of subordinate local laws as statutory instruments.

Clause 67 amends section 861. The first provision amends subsection (1)(a) by providing that a drafting certificate for a proposed local law must be provided to the Minister. The second provision amends subsection (2) by inserting a provision which requires that the Minister must consider if the proposed local law is drafted in accordance with drafting standards set by regulation before giving approval for the local government to continue with the making of the local law.

Clause 68 amends section 867. Subsection (1) is amended by requiring that a drafting certificate be given to the Minister for the proposed local law. Subsection (2) provides that before approval is given to further proceed in

making the law, the Minister must consider if State interests have been satisfactorily dealt with and that the proposed local law is drafted in accordance with drafting standards set by regulation.

Clause 69 amends section 882(3)(c) by providing that a drafting certificate for a subordinate local law must be provided to the Minister once the notice has been published in the newspaper giving public notice of the subordinate local law.

Clause 70 inserts a new chapter 12, part 5 for the review and expiry of local laws and subordinate local laws. The objective of having an ongoing review mechanism is to ensure the continued relevance and responsiveness of local laws. Such a mechanism brings local laws generally into line with existing review requirements applying to anti-competitive provisions in local laws and State subordinate legislation. Regular reviews will also facilitate the consideration of alternatives to regulation.

Section 899A provides definitions for the part—‘expiry date’, ‘first review date’, ‘redundant provision’, ‘review date’, and ‘subsequent review date’.

Section 899B provides that for any local law or subordinate local law to remain in force after the expiry date, a notice must be placed in the gazette under section 899C.

Subsection (1) provides that all local laws and subordinate local laws in force on the review date must be reviewed to identify redundant provisions. Subsection (2) requires that once the law has been reviewed, the local government must, by resolution, decide whether it contains any redundant provisions. Subsection (3) provides that if the local law or subordinate local law does not contain any redundant provisions, a notice about the review must be published in the gazette with the required information. Subsection (4) requires a copy of the notice to be given to the Minister.

Section 899D provides the process for repealing any redundant provisions identified during the review. This section applies if the local government identifies a law containing a redundant provision. Subsection (2) provides that a local law or subordinate local law must be made, by resolution, to repeal the redundant provision. Notice of this local law or subordinate local law must be published in the gazette with the required information under subsection (3). Subsection (4) requires the chief executive officer to certify the required number of copies of the law as made by the local government. The local government must then give the Minister

a copy of the notice and the required number of certified copies of the law (subsection (5)). Subsection (6) provides that part 2 (making local laws and subordinate local laws) does not apply to a law made under this section.

Clause 71 inserts a new section 1132(2A) which provides that the chief executive officer may not delegate the power to sign a drafting certificate for a proposed interim local law, proposed local law or subordinate local law.

Clause 72 amends section 1203 to provide that a regulation may be made to set standards for the drafting of local laws. Subsection (2) sets out the matters that can be included in a regulation for drafting standards. The standard is intended to deal with drafting requirements similar to those in the *Legislative Standards Act 1992*, including the fundamental legislative principles in that Act. Subsection (3) provides that subsection (2) does not limit the matters for which the regulation may make provision.

Clause 73 inserts a new section 1234 to clarify that a local law policy in force immediately before the commencement of the section is taken to be a subordinate local law. Secondly, it provides that a reference in any Act or document to a local law policy, will now be taken to be a reference to a subordinate local law. Thirdly, it provides that the register of local law policies kept by a local government will now be a register of its subordinate local laws. Subsections (4) and (5) provide that a local law policy in the process of being made at the time of commencement will be taken to have been made under the subordinate local law making process to the extent the local government used the process under subsection (4).

Division 5—Amendments of Local Government Act 1993 about rates

Clause 74 amends section 3 by inserting new definitions for ‘discount date’, ‘discount period’ and ‘overdue rate’.

Clause 75 amends section 967 by providing that a minimum general rate levy must not be applied to a parcel of land to which a discounted valuation applies under section 25 of the *Valuation of Land Act 1944*, while the discount period is in force.

Currently section 25 of the *Valuation of Land Act 1944* provides for a separate valuation to be issued for each lot in a plan of subdivision and for this valuation to be discounted for rating purposes on certain newly

subdivided land. A local government must apply this provision when determining the rate to be levied for the land. The amendment corrects an unintended consequence of the previous amendment to section 25 of the *Valuation of Land Act 1944*.

Clause 76 amends section 971 to provide greater flexibility and transparency in the application and use of special rates and charges by local governments.

Section 971(1)(b) is expanded to firstly include the concept of a special benefit or special access to the occupier of the land, rather than the special benefit or special access being determined only in relation to land as was previously the case.

It is not necessary for a local government, in the formation of its opinion, to determine that the special benefit or special access to the service, facility or activity is either to the land or to the occupier of the land. The local government may form an opinion that the land, and/or the occupier of the land to which the special rate or charge applies, has or will specially benefit from or has or will have special access to the service, facility or activity.

A special rate or charge would not, for example, be necessarily invalid merely because an occupier of land which receives benefit, receives no personal benefit from the service, facility or activity. For example, a local government may form the opinion that ten parcels of land or the occupiers of these parcels have or will specially benefit from, or have or will have special access to, an upgraded road. The council levies a special rate on the ten landowners to meet some or all of the cost of upgrading the road. If the occupier of one of the parcels of land does not own a motor vehicle and therefore, perhaps, receives less personal benefit than other occupiers, this would not, in itself, invalidate the special rate on that parcel of land if it would be reasonable to form the opinion that the land has or will specially benefit or has or will have special access.

Secondly, the amendment allows a local government to form an opinion on the basis that the occupier of the land, or the use made or to be made of land, has or will specially contribute to the need for a service, facility or activity.

As with land and occupier in section 971(1)(b)(i), 'land' and 'use' are not intended to be necessarily considered mutually exclusive but may be considered conjointly in forming an opinion.

A number of examples are provided in the Bill to help illustrate the circumstances and ways in which a special rate or charge might be used.

Subsection (3) is replaced to reflect the changes in subsection (1)(b).

Subsection (4) is replaced to introduce the requirement for an overall plan for the supply of the service, facility or activity to be funded by a special rate or charge for which a special rate or charge is levied.

The intention of introducing an overall plan is twofold, namely:

- to provide transparency and accountability commensurate with the broadened taxation powers introduced by these amendments; and
- to articulate the basis/information on which council has formed its opinion under subsection (1)(b) concerning benefit, access or contribution.

The overall plan, as described in the new subsection (4A), must be adopted by resolution either before or at the same time as the local government makes the special rate or charge. Despite the flexibility to adopt the overall plan by resolution at a meeting before the budget meeting, or by separate resolution to that making the rate or charge at the budget meeting, the budget resolution making the special rate or charge must identify the overall plan for which the special rate or charge is being made.

Subsection (4B) provides that any special rate or charge may be made and levied for one or more years before any of the funds received by the local government are expended in implementing the plan.

Subsection (4C) provides that if an overall plan will not be implemented within a financial year, the local government must, at or before the budget meeting for each year of the overall plan, adopt an annual implementation plan for the year. While there are no specific requirements about the format of an annual implementation plan, the annual implementation plan should clearly demonstrate the purpose for which the funds raised during the year are to be used.

In complying with the requirement to prepare an annual implementation plan, it would be acceptable for the council resolution to refer to the part of the council's operational plan that sets out the relevant details of the work, service or facility, provided that the operational plan included the appropriate details and was publicly available. An agreement between the council and a particular ratepayer(s) could be referred to in the same way to comply with the implementation plan requirements.

In cases where works are not being carried out in a particular year, the annual implementation plan would still indicate the purpose for which funds are being raised. For example, a local government could decide that in accordance with the overall plan, the revenue generated from a special rate levied in 1999/2000 will be invested until 2001/2002 when works will commence.

Subsection (4D) provides that an overall plan, or annual implementation plan, may be amended by resolution at any time, for example, to reflect changed circumstances.

Clause 77 inserts a new section 971A to complement the amendments to section 971 in *Clause 76*.

Subsection (1) provides that where more funds are received in a financial year than are expended under an implementation plan for the year, the unexpended amounts may be carried forward to a future financial year.

Subsection (2) provides that a special rate or charge is not invalid merely because a local government made and levied it on land to which it could not have reasonably formed the opinion that a special benefit or special access to the service, facility or activity existed. This provision serves to preserve the legal status of the special rate or charge in the case of minor or inadvertent errors. However, under subsection (3), if the local government does incorrectly make and levy a special rate or charge, the funds received must be returned to the person on whom the special rate or charge was levied.

If at the end of the implementation of the overall plan the local government has funds remaining, subsection (4) provides that the amounts remaining are to be refunded to the owners of land in the same proportion as the special rate or charge was last levied.

Clause 78 replaces section 1008(2) to provide that a rate notice must state the date the rate notice was issued and the date or the time within which the rate must be paid. The amendment facilitates broader flexibility introduced by *Clause 81*.

Subsection (2B) clarifies that charges which are not rates, such as license fees which are payable to the local government by a landowner, may be stated on the rate notice.

Clause 79 also amends section 1008 by inserting new provisions dealing with the levying of rates. These changes take effect for the 2000/2001 budget, allowing local governments a transitional period to make necessary

changes to administrative systems, to facilitate greater flexibility in setting discounts introduced by amendments in *Clause 82*. Councils are, however, not prevented from including this information sooner if they wish.

Subsection (2A) provides that the local government must give the ratepayer information about any discounts and any requirements for payment by instalments. The information can be shown on the rate notice or accompany the rate notice.

Subsection (2C) provides that if non-rate items are stated on the rate notice, they must be clearly identified as such and the rate notice must make it clear that non-payment of these charges does not affect any discount on rates.

Subsections (2D) and (2E) establish a priority for the allocation of an amount received in respect of a rate notice which is less than the total of all amounts payable and the ratepayer has not indicated which amounts listed on the rate notice are to be paid. The local government must apply the payment firstly to overdue rates, secondly to rates levied on the rate notice and thirdly to any non-rate items that are payable.

Clause 80 inserts a new section 1008(4A) to clarify that a local government need not issue a rate notice with a zero balance when rates have been paid in advance.

Clause 81 replaces section 1014 to provide a local government with flexibility to set the times by which, or the time within which, each rate must be paid. Ratepayers are to be given at least 30 days after the date of issue of the rate notice to pay the rate. All ratepayers liable to pay the rate are to be given the same time to pay the rate.

Section 1014(3) provides a local government may alter the discount date or discount period for the rate under section 1019(4), provided the time by which the rate must be paid is, if necessary, adjusted to ensure it is not before the end of the new discount period.

Clause 82 amends sections 1019 - 1022.

It is intended that amendments to section 1019 provide greater flexibility to local governments in setting the amount and type of discount for prompt payment of a rate. The local government can decide, by resolution, whether to allow a discount, what form and amount the discount will take (a fixed amount or a percentage of the rate) and when the discount date or discount period will be set.

Subsection (3) provides the discount date or discount period cannot be later or longer than the date by which or the time within which a rate must be paid under section 1014. There may be different discounts, if any, and different discount periods for different rates.

Subsection (4) allows for a discount date or discount period to be altered to allow a greater period of time for ratepayers to pay a rate and be allowed a discount. For example, flooding may have delayed mail services in an area and the council may consider it appropriate to extend the discount period.

Subsection (5) clarifies that discounts must be made available equally to each person in the local government area liable to pay the rate, if the person pays it by the discount date.

Subsection (6) also allows a different discount to apply to a rate where the local government decides more than one discount date and specifies a different discount for each discount date. For example, a local government may decide to offer a discount on the general rate of 25% if paid by 25 September, the first discount period, and 10% if paid by 25 October, the second discount period.

Section 1020 applies in respect of discounts applying to rates paid by instalments. Where a rate is being paid by instalments, the local government may allow a discount if the amount of an instalment on the rate is paid by the last day of the period for paying the instalment. If a discount is allowed on an instalment, the local government must allow the discount to all ratepayers paying under the instalment arrangement.

Section 1021 provides a discount may be allowed if the payment of a rate is delayed by circumstances beyond the ratepayer's control. This provision reflects new wording in section 1019 and does not change the intent of the current law.

Section 1022 provides that discounts do not apply if other rates are overdue for the land. This provision reflects new wording in section 1019 and does not change the intent of the current law.

Clause 83 inserts a new section 1030A to provide that a special rate or charge may only be levied on land for a proportion of the rating period in which the land becomes or ceases to be liable for the purpose of the special rate or charge.

Clause 84 inserts a new chapter 19, part 1, division 5 providing for transitional arrangements to apply for the financial year beginning on 1 July 1999 for the making of a special rate or charge under section 971 of the *Local Government Act 1993*.

The transitional amendment enables a local government to use either:

- the new arrangements introduced in sections 971 and 971A, or
- the existing arrangements in section 971 until 30 June 2000

for each special rate or charge made in the 1999/2000 financial year.

If a council makes more than one special rate or charge, it may use either the old or new arrangements for each of the rates or charges.

Division 6—Other amendments of Local Government Act 1993

Clause 85 amends section 90 by providing that the notice of the proposed determination of a major reference for a reviewable local government matter is not required to include recommendations on implementation issues for the matter. However, the recommendations on implementation issues must be available for public inspection.

Clause 86 amends section 100 which mirrors the amendment to section 90 in *Clause 85*.

Clause 87 amends section 220 clarifying the existing requirement under section 221 that a person who nominates as a candidate for election as a local government councillor must be an Australian citizen. Being an elector for the particular local government area is not sufficient qualification.

Clause 88 replaces section 242(1) providing the requirements before a person can act as a local government councillor. The person must lodge a return stating the details of electoral gifts received by the candidate in the approved form and make a declaration of office.

Section 242(3) is amended to update the reference to the requirement to lodge a return under section 242(1)(a). A new subsection is inserted to provide for the case where the candidate was a member of a group under the new section 427A. The person will need to lodge a return stating the details of electoral gifts received by the group if the group has received

electoral gifts at the time the person makes the declaration of office. The person is required to provide the details in the return to the extent the information is reasonably available.

Section 242(3) is also amended to provide for a minor change in the wording of the declaration of office for a councillor of a local government other than BCC. The wording in the amended declaration now includes a reference to the role of a councillor under section 229 of the *Local Government Act 1993*.

Clause 89 amends section 518 clarifying that a budget must be adopted by resolution.

Clause 90 amends section 519 clarifying that a local government may only amend a budget by resolution.

Clause 91 amends section 555 to clarify the intention that where a local government under section 552(2) resolves to treat one of its activities as if it were a significant business activity, in order to apply a competitive neutrality reform under chapter 8 (ie, full cost pricing, commercialisation or corporatisation), the local government could appoint the Queensland Competition Authority (QCA) as its referee in the treatment of complaints under chapter 11 of the *Local Government Act 1993*. Otherwise a local government can only appoint the QCA as its referee for its significant business activities.

Clause 92 amends section 598 to extend the sunset clause for this section to 1 July 2000. Section 598 allows a local government to resolve to delegate to a local government owned corporation of which it is the shareholder any of the local government's powers that are necessary or convenient for a local government owned corporation to carry on its business.

Clause 93 amends section 1044 by providing that the reserve price at an auction of land sold for overdue rates may be either the market value of the land or, as previously was the case, whichever is the higher of the amount of all overdue rates levied on the land or the unimproved value of the land. The new section also provides definitions of 'improved value', 'market value' and 'registered valuer'.

The ability of the local government to set the reserve price at the market value is entirely at its discretion and there is no obligation on the local government to determine the market value prior to auction. That is, a local government may set the reserve price at the higher of the amount of overdue

rates or the unimproved value without regard to the market value of the property. Market value may be used regardless of whether it is higher or lower than either or both the amount of overdue rates and the unimproved value.

Clause 94 provides for the omission of headings following cross references.

Section heading references will be moved to footnotes in the next reprint of the Act to reflect current drafting practice.

PART 6—MINOR AMENDMENTS OF OTHER ACTS

Clause 95 provides for the minor amendments of other Acts as stated in schedule 3.

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS OF CITY OF BRISBANE ACT 1924

This Schedule includes minor and consequential amendments.

Clause 1 provides a listing of those provisions of the *Local Government Act 1993* which apply to BCC.

Clause 2 deletes an unnecessary heading from section 17 of the Act.

Clause 3 deletes unnecessary headings from sections 25C(2) and 25C(3) of the Act.

Clause 4 provides for the omission of a redundant provision.

Clause 5 provides for the renumbering of section 36A(4)(c) as section 36A(4)(b).

Clause 6 provides for the omission of a redundant provision.

Clause 7 provides for an increase in the apparent value of goods the council wishes to dispose of. The increase from \$500 to \$1000 brings the value to that provided for other local governments under the *Local Government Act 1993*.

Clause 8 provides for the correction of minor grammatical errors.

Clause 9 amends section 53 to make specific reference to the budget meeting for the financial year.

Clause 10 amends section 66 to make specific reference to the budget meeting.

SCHEDULE 2

AMENDMENTS OF THE LOCAL GOVERNMENT ACT 1993

This Schedule includes minor and consequential amendments.

PART 1—AMENDMENTS OF LOCAL GOVERNMENT ACT 1993 COMMENCING ON ASSENT

Clause 1 amends the definition for ‘declaration voter’ to delete reference to section headings.

Clause 2 provides for an updated listing of provisions in the *Local Government Act 1993* which apply to BCC.

Clause 3 lists the provisions in the *Local Government Act 1993* which apply only to a joint local government. The purpose of the amendment is to delete reference to section headings.

Clause 4 lists the provisions in the *Local Government Act 1993* which apply to an Aboriginal or Torres Strait Islander local government. The purpose of the amendment is to delete reference to section headings.

Clause 5 provides for a change to procedures for processing declaration votes in a reviewable local government matter referendum to reflect changes made to sections 363A and 364.

Clause 6 amends section 157 to update section references.

Clause 7 amends section 220 to delete reference to section headings.

Clause 8 amends section 222 by removing the section headings and replacing the reference to section 246 with section 244.

Clause 9 inserts a new section heading for section 347 to reflect changes made in *Clause 37* of the Bill.

Clause 10 provides for an amendment to section 347(1) to reflect changes made in *Clause 37* of the Bill.

Clauses 11, 12, 13, 14 and 15 provide for amendments to various sections of the Act to reflect current drafting practices and to reflect changes made in *Clause 37* of the Bill.

Clauses 16 and 17 provide for amendments to sections 357(2)(d)(ii) and 358(2)(d)(ii) of the Act to reflect changes made in *Clause 37* of the Bill.

Clause 18 inserts a new section heading for section 364 to reflect amendments made in *Clause 39* of the Bill.

Clauses 19 and 20 provide for the renumbering of clauses within section 364 of the Act and the insertion of a new subsection as a result of changes made in *Clause 37* of the Bill.

Clause 21 updates a reference in section 365(4)(a) to section 364(3) to reflect changes made in *Clause 39* of the Bill.

Clauses 22, 23, 24 and 25 reflect current drafting practice in the reference to penalties for various offences.

Clauses 26 and 27 amend section 414 providing updated references to sections of the Act as a result of changes made in *Clauses 42 and 46* of the Bill.

Clause 28 inserts a new subdivision heading to reflect amendments made in *Clause 42* of the Bill.

Clause 29 provides for updated references to sections 427A and 430 as a result of changes made in *Clauses 42 and 46* of the Bill.

Clause 30 provides for an updated reference in section 424(a) of the Act as a result of *Clause 40* of the Bill.

Clause 31 inserts a new section heading to reflect changes made in *Clauses 40 to 48* of the Bill.

Clause 32 provides for a wording change in section 425(2) to reflect the change in *Clause 31* of schedule 2.

Clauses 33 and 34 insert new subdivision headings to reflect changes made in *Clauses 40 to 48* of the Bill.

Clauses 35 and 36 amend sections 477(2) and 484(3) to delete reference to section headings.

Clause 37 provides for a change in wording to section 891(3) to reflect current drafting practice.

Clauses 38, 39, 40, 41 and 42 amend sections 891(3), 1029(1), 1035(1), 1041(2)(b), 1075(1) and 1102(1) to delete reference to section headings.

Clauses 43 and 44 provide for the insertion of the renumbered chapter reference

PART 2—AMENDMENTS OF LOCAL GOVERNMENT ACT 1993 COMMENCING ON 1 JANUARY 2000

Clauses 1 to 21 provide amendments to reflect a change in terminology, from ‘local law policy’ to ‘subordinate local law’ made in *Clause 66* of the Bill, resulting in amendments including replacements and omissions of various terms, definitions and headings throughout the Act.

SCHEDULE 3

MINOR AMENDMENT OF OTHER ACTS

These minor and consequential amendments to these Acts are mechanical in nature.

PART 1—AMENDMENTS OF ACTS COMMENCING ON ASSENT

AMENDMENTS OF INTEGRATED RESORT DEVELOPMENT ACT 1987

Clause 1 provides that the *Building Units and Group Titles Act 1980* does not apply in a certain instance.

Clauses 2 and 3 provide for the omission of redundant provisions.

AMENDMENTS OF MIXED USE DEVELOPMENT ACT 1993

Clauses 1 and 2 provide for the insertion of a change in terminology to a definition and various provisions in the *Mixed Use Development Act 1993* to reflect terminology contained in the *Local Government Act 1993*.

Clause 3 provides that the *Building Units and Group Titles Act 1980* does not apply in a certain instance.

Clause 4 provides for the updating of references to the *Building Units and Group Titles Act 1980*.

Clause 5 provides that the *Building Units and Group Titles Act 1980* does not apply in a certain instance.

Clause 6 provides for the updating of references to the *Building Units and Group Titles Act 1980*.

Clauses 7 and 8 provide for the insertion of updated references to current Queensland legislation.

AMENDMENTS OF SANCTUARY COVE RESORT ACT 1983

Clauses 1 and 2 provide for the updating of a reference to a provision of the *Building Units and Group Titles Act 1980* that does not apply in a certain instance.

Clause 3 provides for the insertion of an updated reference to corporations law legislation.

Clause 4 provides for the omission of redundant provisions from the amended Act.

Clause 5 provides for the insertion of wording to make provisions of the amended Act grammatically correct.

Clause 6 provides for the insertion of a replacement heading.

Clause 7 provides for the insertion of updated references to current Queensland legislation.

Clause 8 provides for the insertion of wording to make provisions of the amended Act grammatically correct.

Clause 9 provides for the omission of redundant provisions from the amended Act.

Clause 10 provides for the insertion of updated references to current Queensland legislation.

PART 2—AMENDMENTS OF ACTS COMMENCING ON 1 JANUARY 2000

AMENDMENTS OF ACTS INTERPRETATION ACT 1954

Clause 1 provides for the omission of a redundant provision.

Clause 2 provides for the insertion of a replacement definition reflecting a change in terminology contained in *Clause 66* of the Bill.

**AMENDMENTS OF STATUTORY INSTRUMENTS
ACT 1992**

Clause 1 provides an amendment to terminology used in the Act to reflect legislative changes contained in *Clause 66* of the Bill.