

Queensland



LOCAL GOVERNMENT AMENDMENT BILL 1994

Queensland



**LOCAL GOVERNMENT AMENDMENT
BILL 1994**

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1994

A BILL

FOR

An Act to amend the Local Government Act 1993

The Parliament of Queensland enacts—

1

Short title

2

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

3

Commencement

4

Clause 2. This Act, other than section 3 and Schedule 2, commences on a day to be fixed by proclamation.

5

6

Act amended

7

Clause 3. This Act amends the *Local Government Act 1993*.

8

Insertion of new Ch 11, Pt 2

9

Clause 4. After section 655—

10

insert—

11

‘PART 2—POWERS UNDER THIS CHAPTER

12

‘Powers of entry

13

‘655A.(1) A power given under this Chapter to enter a place may not be exercised using force.

14

15

‘(2) Subsection (1) does not apply if the entry is made under—

16

(a) an order made under section 658 (Order on occupier who refuses entry), if the order authorises the use of necessary and reasonable help and force; or

17

18

19

(b) a warrant issued under Part 5 (Enforcement of local government Acts).’.

20

21

	Amendment of s 658 (Order on occupier who refuses entry)	1
Clause	5.(1) Section 658(1)(a), ‘properly’—	2
	<i>omit.</i>	3
	(2) Section 658(2), ‘to the occupier.’—	4
	<i>omit, insert—</i>	5
	‘to—	6
	(a) the occupier of the land or structure; or	7
	(b) if the applicant is not the owner—the owner and the occupier of the land or structure.’.	8 9
	(3) Section 658(3) and (4)—	10
	<i>omit, insert—</i>	11
	‘ (3) The application must—	12
	(a) be in the form approved by the chief executive; and	13
	(b) be sworn; and	14
	(c) state the grounds on which the order is sought.	15
	‘ (4) The Magistrate may refuse to consider the application until the person gives the Magistrate all the information the Magistrate requires about the application in the way the Magistrate requires.	16 17 18
	<i>Example—</i>	19
	The Magistrate may require additional information supporting the application to be given by statutory declaration.	20 21
	‘ (5) If the Magistrate is satisfied the entry sought is reasonable and necessary for the purpose, the Magistrate may make an order under this section.	22 23 24
	‘ (6) The order must—	25
	(a) direct the occupier to permit the person to enter the land or structure and perform all work necessary for the purpose; and	26 27
	(b) state the hours of the day or night when entry may be made; and	28
	(c) state the day (within 14 days after the order is made) when the order ends.	29 30

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‘(7) If the person is an employee or agent of a local government, the order may also authorise the person to use necessary and reasonable help and force to enter the land or structure.

‘(8) The Magistrate must record the reasons for making the order.

‘(9) The occupier must comply with the order.

Maximum penalty for subsection (9)—50 penalty units.’.

Replacement of s 661 (Performing work for owner or occupier)

Clause **6.** Section 661—

omit, insert—

‘Performing work for owner or occupier

‘**661.(1)** If the owner or occupier of land or a structure fails, or both the owner and occupier fail, to perform work required to be performed under a local government Act, a local government may, by its employees or agents, enter the land or structure and perform the work.

‘(2) The powers under subsection (1) may be exercised only if—

- (a) both the owner and occupier agree to the entry; or
- (b) the entry is under an order made under section 658 (Order on occupier who refuses entry); or
- (c) urgent action is necessary for local government purposes, including, for example, the interests of public health or safety; or
- (d) reasonable notice has been given to the owner and occupier of the local government’s intention to enter the land or structure and perform the work.

Example for subsection (2)(d)—

Entry to, and clearing of, an overgrown allotment because of the allotment owner’s failure under a local law to clear the allotment.

‘(3) Subsections (2)(c) and (d) do not apply to the entry of a structure, or the part of a structure, used for residential purposes.

‘(4) The amount properly and reasonably incurred by the local government in performing the work is a debt payable to the local government by the person who failed to perform the work.

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‘(5) If both the owner and occupier failed to perform the work, the amount incurred is payable by the owner and occupier jointly and severally.’.

Replacement of s 665 (Entry on land for local government purposes etc.)

Clause 7. Section 665—
omit, insert—

‘Entry on land for local government purposes

‘**665.(1)** An employee or agent of a local government may enter land or a structure, at all reasonable times, if the entry is necessary for the exercise of the local government’s jurisdiction, including for example—

- (a) to carry facilities into, through, across or under the land; or
- (b) to perform work on the land or structure; or
- (c) to inspect, operate, change, maintain, remove, repair or replace the local government’s facilities on the land or structure.

‘(2) The powers under subsection (1) may be exercised only if—

- (a) the entry is made—
 - (i) to inspect, operate, change, maintain, remove, repair or replace the local government’s facilities on the land or structure for its routine operations; or
 - (ii) to investigate the future placement, removal, repair or replacement of facilities on the land or structure; or
- (b) the owner and occupier of the land or structure agree to the entry; or
- (c) urgent action is necessary for local government purposes, including, for example, the interests of public health or safety; or
- (d) the entry is under an order made under section 658 (Order on occupier who refuses entry).

Example for subsection (2)(c)—

Entry to take urgent action under a local law about the safety and convenience of the public to remove a tree likely to fall and cause injury or damage.

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‘(3) Subsection (2)(a) does not apply to the entry of a structure, or the part of a structure, used for residential purposes.’. 1
2

Replacement of Ch 11, Pt 4 3

Clause 8. Part 4— 4

omit, insert— 5

‘PART 5—ENFORCEMENT OF LOCAL GOVERNMENT ACTS 6
7

‘Division 1—Interpretation 8

‘Definitions 9

‘674. In this Part— 10

“authorised person” means a person who is— 11

(a) appointed under this Part as an authorised person; and 12

(b) other than in Division 2—an authorised person for the provision in which the expression is used. 13
14

“authorisation” means an approval, consent, licence, permission, registration or other authority issued under a local government Act. 15
16

“notice” means a notice or direction issued under a local government Act. 17

“occupier” of a place includes a person who reasonably appears to be the occupier of, or in charge of, the place. 18
19

“public place” means any place that the public is entitled to use, is open to the public, or used by the public, whether or not on payment of money. 20
21
22

“warrant” means a warrant issued under this Part. 23

‘References to “local government” and “authorised person” 24

‘675. In a provision of this Part about— 25

(a) a local government, a reference to an authorised person is a 26

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reference to an authorised person appointed by the local government; and

- (b) an authorised person, a reference to a local government is a reference to the local government that appointed the authorised person.

Division 2—Authorised persons**‘Appointment**

‘676.(1) A local government may appoint any of the following persons as authorised persons under this Part—

- (a) employees of the local government;
- (b) other persons prescribed under the regulations.

‘(2) An appointment of a person as an authorised person under this Part must state the provisions of this Part for which the person is appointed as an authorised person.

‘(3) A local government may appoint a person as an authorised person under this Part only if—

- (a) the local government considers the person has the necessary expertise or experience for the appointment; or
- (b) the person has satisfactorily finished training approved by the local government for the appointment.

‘Limitation on authorised person’s powers

‘677. An authorised person’s powers may be limited in the person’s instrument of appointment.

‘Authorised person’s appointment conditions

‘678.(1) An authorised person holds office on the conditions stated in the instrument of appointment.

‘(2) An authorised person—

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- (a) if the instrument provides for a term of appointment—ceases holding office at the end of the term; and 1
2
- (b) may resign by signed notice of resignation given to the local government; and 3
4
- (c) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the “**main office**”). 5
6
7

‘(3) However, an authorised person may not resign from the office of authorised person (the “**secondary office**”) under subsection (2)(b) if a term of the authorised person’s employment to the main office requires the authorised person to hold the secondary office. 8
9
10
11

‘Authorised person’s identity card 12

‘679.(1) A local government must give each authorised person an identity card. 13
14

‘(2) The identity card must— 15

- (a) contain a recent photograph of the authorised person; and 16
- (b) be signed by the authorised person; and 17
- (c) identify the person as an authorised person for the local government; and 18
19
- (d) include an expiry date. 20

‘(3) A person who ceases to be an authorised person must return the person’s identity card to the local government within 21 days after the person ceases to be an authorised person, unless the person has a reasonable excuse. 21
22
23
24

Maximum penalty—10 penalty units. 25

‘(4) This section does not prevent the giving of a single identity card to a person for this Part and for other provisions, Acts or purposes. 26
27

‘Production of identity card 28

‘680.(1) An authorised person may exercise a power in relation to someone else (the “**other person**”) only if the authorised person— 29
30

Local Government Amendment

- (a) first produces his or her identity card for the other person’s inspection; or 1
2
- (b) has the identity card displayed so it is clearly visible to the other person. 3
4

(2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person’s inspection at the first reasonable opportunity. 5
6
7

‘Offences 8

‘680A. A person must not pretend to be an authorised person. 9

Maximum penalty—50 penalty units. 10

‘Division 3—Infringement notice offences 11

‘Power to require name and address 12

‘680B.(1) An authorised person may require a person (the “**other person**”) to state the other person’s name and address if the authorised person— 13
14
15

- (a) finds the other person committing an infringement notice offence; 16
or 17
- (b) finds the other person in circumstances that lead, or has information that leads, the authorised person to suspect on reasonable grounds the other person has just committed an infringement notice offence. 18
19
20
21

‘(2) When making the requirement, the authorised person must warn the other person it is an offence to fail to state the other person’s name and address, unless the other person has a reasonable excuse. 22
23
24

‘(3) The authorised person may require the other person to give evidence of the correctness of the other person’s name or address if the authorised person suspects, on reasonable grounds, that the name or address given is false. 25
26
27
28

‘(4) The other person must comply with the authorised person’s 29

Local Government Amendment

requirement under subsection (1) or (3), unless the other person has a reasonable excuse. 1
2

Maximum penalty—35 penalty units. 3

‘(5) The other person does not commit an offence against this section if— 4
5

- (a) the authorised person required the other person to state the other person’s name and address on suspicion of the other person having committed an infringement notice offence; and 6
7
8
- (b) the other person is not proved to have committed the infringement notice offence. 9
10

‘Division 4—Investigations about offences 11

‘Entry to places 12

‘680C.(1) An authorised person may enter a place under this Division if— 13
14

- (a) its occupier agrees to the entry; or 15
- (b) the entry is permitted by a warrant. 16

‘(2) An authorised person, without the occupier’s agreement or a warrant, may— 17
18

- (a) enter a public place when the place is open to the public; or 19
- (b) enter land to ask for the occupier’s agreement to the authorised person entering the land or a building or structure on the land. 20
21

‘Agreement to entry 22

‘680D.(1) This section applies if an authorised person seeks the agreement of an occupier of a place to an authorised person entering the place under this Division. 23
24
25

‘(2) In seeking the agreement, the authorised person must inform the occupier— 26
27

- (a) of the purpose of the entry; and 28

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-
- (b) that things or information obtained by the authorised person may be used in evidence in court; and 1
2
- (c) that the occupier is not required to agree to the entry. 3
- ‘(3) If the agreement is given, the authorised person may ask the occupier to sign an acknowledgment of the occupier’s agreement. 4
5
- ‘(4) The acknowledgment must— 6
- (a) state the occupier was informed— 7
- (i) of the purpose of the entry; and 8
- (ii) that things or information obtained by the authorised person may be used in evidence in court; and 9
10
- (iii) that the occupier was not required to agree to the entry; and 11
- (b) state the occupier agreed to the authorised person entering the place and exercising powers under this Division; and 12
13
- (c) state the time and date the agreement was given. 14
- ‘(5) If the occupier signs an acknowledgment of agreement, the authorised person must immediately give a copy to the occupier. 15
16
- ‘Evidence of agreement 17**
- ‘680E.(1) This section applies to a proceeding if— 18
- (a) a question arises whether an occupier of a place agreed to the entry of the place by an authorised person under this Division; and 19
20
21
- (b) an acknowledgment of the occupier’s agreement is not produced in evidence. 22
23
- ‘(2) In a proceeding to which this section applies, the court may assume the occupier did not agree to the entry, unless the contrary is proved. 24
25

*‘Division 5—Warrants***‘Warrants for entry**

‘680F.(1) An authorised person may apply to a Magistrate for a warrant for a place.

‘(2) The application must—

- (a) be in the form approved by the chief executive; and
- (b) be sworn; and
- (c) state the grounds on which the warrant is sought.

‘(3) The Magistrate may refuse to consider the application until the authorised person gives the Magistrate all the information the Magistrate requires about the application in the way the Magistrate requires.

Example—

The Magistrate may require additional information supporting the application to be given by statutory declaration.

‘(4) The Magistrate may issue the warrant only if the Magistrate is satisfied there are reasonable grounds for suspecting—

- (a) there is a particular thing or activity (the **“evidence”**) that may provide evidence of an offence against a local government Act; and
- (b) the evidence is at the place, or may be at the place within the next 7 days.

‘(5) The warrant must state—

- (a) that the authorised person may, with necessary and reasonable help and force, enter the place and exercise the authorised person’s powers under this Act; and
- (b) the evidence for which the warrant is issued; and
- (c) the hours of the day or night when entry may be made; and
- (d) the day (within 14 days after the warrant’s issue) when the warrant ends.

‘(6) The Magistrate must record the reasons for issuing the warrant.

‘Warrants—applications made otherwise than in person

‘680G.(1) An authorised person may apply for a warrant by phone, fax, radio or another form of communication if the authorised person considers it necessary because of urgent circumstances or other special circumstances, including, for example, the authorised person’s remote location.

‘(2) Before applying for the warrant, the authorised person must prepare an application stating the grounds on which the warrant is sought.

‘(3) The authorised person may apply for the warrant before the application is sworn.

‘(4) After issuing the warrant, the Magistrate must immediately fax a copy to the authorised person if it is reasonably practicable to fax the copy.

‘(5) If it is not reasonably practicable to fax a copy of the warrant to the authorised person—

(a) the Magistrate must—

(i) record on the warrant the reasons for issuing the warrant; and

(ii) tell the authorised person the date and time the warrant was signed; and

(iii) tell the authorised person the warrant’s terms; and

(b) the authorised person must write on a form of warrant (the **“warrant form”**)—

(i) the Magistrate’s name; and

(ii) the date and time the Magistrate signed the warrant; and

(iii) the warrant’s terms.

‘(6) The facsimile warrant, or the warrant form properly completed by the authorised person, authorises the entry and the exercise of the other powers mentioned in the warrant issued by the Magistrate.

‘(7) The authorised person must, at the first reasonable opportunity, send to the Magistrate—

(a) the sworn application; and

(b) if a warrant form was completed by the authorised person—the completed warrant form.

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‘(8) On receiving the documents, the Magistrate must attach them to the warrant.	1 2
‘(9) Unless the contrary is proven, a court must presume that a power exercised by an authorised person was not authorised by a warrant issued under this section if—	3 4 5
(a) a question arises, in a proceeding before the court, whether the exercise of power was authorised by a warrant; and	6 7
(b) the warrant is not produced in evidence.	8
<i>Division 6—Monitoring authorisations and notices and processing applications</i>	9 10
‘Monitoring authorisations and processing applications	11
‘680H.(1) An authorised person may enter a place at any reasonable time (other than at night)—	12 13
(a) to inspect the place to process an application made under a local government Act; or	14 15
(b) to find out whether the conditions on which an authorisation or notice was issued have been or are being complied with; or	16 17
(c) to inspect work carried out under an authorisation or notice.	18
‘(2) In addition, an authorised person may enter a place at night for a purpose mentioned in subsection (1) if—	19 20
(a) the place is a public place that is open to the public at the time of the entry; or	21 22
(b) the entry is at a time asked by the occupier; or	23
(c) the entry is in accordance with the times provided for in a lawfully imposed condition of an authorisation.	24 25
‘Limitation on entry to residence	26
‘680I.(1) This section limits an authorised person’s powers of entry under this Division.	27 28

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‘(2) An authorised person may enter a building or other structure, or the part of a building or other structure, used for residential purposes only if the authorised person is accompanied by the occupier.

‘(3) Subsection (2) does not apply if the occupier has been given reasonable notice of the authorised person’s intention to enter, and—

- (a) the occupier is unavailable or unwilling to accompany the authorised person; or
- (b) the authorised person is unable for another reason to comply with the subsection.

‘Division 7—Approved inspection programs

‘Approval of inspection program

‘**680J.(1)** A local government may by resolution approve a program (an “**approved inspection program**”) under which authorised persons may enter places to monitor compliance with a local government Act or an aspect of a local government Act.

Examples of approved inspection programs—

1. Monitoring compliance with requirements for swimming pool fencing under the *Building Act 1975*.

2. Monitoring compliance with limits provided under a local law about the number of dogs that may be kept at a place.

‘(2) An approved inspection program must be a selective inspection program or systematic inspection program.

‘(3) A selective inspection program provides for the selection, in accordance with the resolution, of places in the local government’s area, or a particular part of the area, to be entered and inspected.

‘(4) A systematic inspection program provides for all places, or all places of a particular type, in the local government’s area, or a particular part of the area, to be entered and inspected.

‘(5) An approved inspection program must state the following—

- (a) the purpose of the program;
- (b) when the program starts;

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- (c) for a selective inspection program— 1
 - (i) objective criteria for selecting places to be entered and 2
inspected; and 3
 - (ii) if the places are to be selected from a part of the local 4
government’s area—a description of the part; 5
- (d) for a systematic inspection program— 6
 - (i) if places in a part of the local government’s area are to be 7
entered and inspected—a description of the part; and 8
 - (ii) if a type of place is to be entered and inspected—a 9
description of the type; 10
- (e) the period (not more than 3 months or another period prescribed 11
under the regulations) over which the program is to be carried 12
out. 13

‘Notice of proposed inspection program 14

‘**680K.(1)** At least 14 days, but not more than 28 days, before an 15
approved inspection program starts, the local government must give notice 16
of the program. 17

‘**(2)** The notice must be published in a newspaper circulating generally in 18
the local government’s area. 19

‘**(3)** The notice must state the following— 20

- (a) the name of the local government; 21
- (b) in general terms, the purpose and scope of the program; 22
- (c) when the program starts; 23
- (d) the period over which the program is to be carried out; 24
- (e) that a copy of the program is open to inspection at the local 25
government’s public office until the end of the program; 26
- (f) that a copy of the program may be purchased at the local 27
government’s public office until the end of the program; 28
- (g) the price of a copy of the program. 29

‘**(4)** The price of a copy of the program must be no more than the cost to 30

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the local government of having the copy available for purchase, and, if the copy is posted to the purchaser, the postage cost. 1
2

‘Access to program 3

‘680L. From the publication of the notice about an approved inspection program until the end of the program— 4
5

(a) a copy of the program must be open to inspection at the local government’s public office; and 6
7

(b) copies of the program must be available for purchase at the local government’s public office at the price stated in the notice. 8
9

‘Power of entry under approved inspection program 10

‘680M.(1) An authorised person may enter a place under an approved inspection program at any reasonable time of the day or night. 11
12

‘(2) Subsection (1) does not apply to a building or other structure, or the part of a building or other structure, used for residential purposes. 13
14

‘Division 8—Powers on entry 15

‘General powers after entering places 16

‘680N.(1) This section applies to an authorised person who enters a place under 1 of the following Divisions— 17
18

- Division 4 (Investigations about offences) 19

- Division 6 (Monitoring authorisations and notices and processing applications) 20
21

- Division 7 (Approved inspection programs). 22

‘(2) The authorised person may— 23

(a) if the entry is under Division 4—search any part of the place; or 24

(b) inspect, test, photograph or film anything in or on the place; or 25

(c) copy a document in or on the place; or 26

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(d) take samples of or from anything in or on the place; or	1
(e) take into or onto the place any persons, equipment and materials the authorised person reasonably requires for exercising a power under this Division; or	2 3 4
(f) require the occupier of the place, or a person in or on the place, to give the authorised person reasonable help to exercise the authorised person's powers under paragraphs (a) to (e).	5 6 7
‘(3) A person required to give reasonable help under subsection (2)(f) must comply with the requirement, unless the person has a reasonable excuse.	8 9 10
Maximum penalty—8 penalty units.	11
‘(4) If the requirement is to be complied with by the person giving information or producing a document, it is a reasonable excuse for the person to fail to comply with the requirement if complying with the requirement might incriminate the person.	12 13 14 15
‘(5) This section does not apply to an authorised person who enters a place under section 680C(2)(b) (Entry to places) to get the occupier's agreement unless the agreement is given or the entry is otherwise authorised.	16 17 18 19
‘Division 9—Other enforcement matters	
	20
‘Authorised person to give notice of damage	21
‘680O.(1) This section applies if—	22
(a) an authorised person damages anything in the exercise of a power under this Part; or	23 24
(b) a person who is authorised by an authorised person to take action under this Part damages anything in taking the action.	25 26
‘(2) The authorised person must promptly give written notice of the particulars of the damage to the person who appears to be the thing's owner.	27 28 29
‘(3) However, if for any reason it is not practicable to comply with subsection (2), the authorised person must leave the notice, in a reasonably	30 31

secure way and in a conspicuous position, at the place where the damage happened.	1 2
‘(4) In this section—	3
“owner” of a thing includes the person in possession or control of the thing.	4 5
‘(5) If the authorised person believes the damage was caused by a latent defect in the thing or other circumstances beyond the authorised person’s control, the authorised person may state this in the notice.	6 7 8
‘(6) This section does not apply to damage the authorised person believes, on reasonable grounds, is trivial.	9 10
‘Compensation	11
‘680P.(1) A person may claim compensation if the person incurs loss or expense because of the exercise or purported exercise of a power under this Part, including, for example, in complying with a requirement made of the person under this Part.	12 13 14 15
‘(2) Compensation may be claimed and ordered in a proceeding for—	16
(a) compensation brought in a court of competent jurisdiction; or	17
(b) an offence against a local government Act brought against the person making the claim for compensation.	18 19
‘(3) A court may order compensation to be paid only if it is satisfied it is just to make the order in the circumstances of the particular case.	20 21
‘(4) The regulations may prescribe matters that may, or must, be taken into account by the court when considering whether it is just to make the order.	22 23 24
<i>‘Division 10—Special provision for local laws about dogs</i>	25
‘Local laws about dogs	26
‘680Q.(1) A local law about dogs, or to the extent that it is about dogs, may give an authorised person power to enter a place (including a building or other structure, or the part of a building or other structure, used for	27 28 29

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residential purposes) at the time, with the help and using the force that is necessary and reasonable in the circumstances. 1
2

‘(2) However, the entry may only be for seizing a dangerous dog within the meaning of the local law. 3
4

‘(3) The other provisions of this Chapter do not limit subsections (1) and (2). 5
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‘(4) Division 9 (Other enforcement matters) applies to the exercise of a power of entry under a local law made under subsection (1), or any other power exercised under a local law because of the entry, as if the power were exercised under this Part. 7
8
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‘(5) This Division expires 2 years after it commences.’. 11

SCHEDULE 1	1
CONSEQUENTIAL AMENDMENTS	2
section 3	3
1. Section 4—	4
<i>insert—</i>	5
‘ “approved inspection program” see section 680J.’	6
2. Section 4, definition “authorised person”, paragraph (c)—	7
<i>omit, insert—</i>	8
‘(c) in Chapter 11 (Provisions aiding local government), Part 5 (Enforcement of local government Acts)—has the meaning given by section 674 (Definitions).’	9 10 11
3. Chapter 11, Parts 2 and 3—	12
<i>renumber</i> as Parts 3 and 4.	13
4. Chapter 11, Parts 5–7—	14
<i>renumber</i> as Parts 6 to 8.	15
5. After section 801—	16
<i>insert—</i>	17
‘ Numbering and renumbering of Act	18
‘ 802. Section 43 (Numbering and renumbering of provisions) of the <i>Reprints Act 1992</i> must be used in the next reprint of this Act produced under the <i>Reprints Act 1992</i> to renumber from section 680A.’	19 20 21

SCHEDULE 2	1
OTHER AMENDMENTS	2
section 3	3
1. Section 4, definition “permissible company”, ‘410’—	4
<i>omit, insert—</i>	5
‘411’.	6
2. Section 4, definition “road”, ‘Transport Infrastructure Act 1993’—	7
<i>omit, insert—</i>	8
‘Transport Infrastructure Act 1994’.	9
3. Section 4, definition “State interest”, from ‘for a local law’ to ‘proposed local law’—	10
<i>omit, insert—</i>	11
‘for a local law or local law policy, a provision of a local law or local law policy, or a provision of a proposed local law’.	12
4. Section 195(3), ‘within the time prescribed by regulation’—	13
<i>omit, insert—</i>	14
‘in accordance with the regulations’.	15
5. Section 350(3), ‘subsection (1)’—	16
<i>omit, insert—</i>	17
‘subsection (2)’.	18
	19
	20

6. Section 397(2)(a)—	1
<i>omit, insert—</i>	2
‘(a) the spending incurred for the local government because of the making, variation or discharge of the contract—	3
	4
(i) has been provided for in an approved budget for the financial year when the making, variation or discharge happens; or	5
	6
(ii) is incurred under section 436 (Spending of local government pending adoption of budget) but is within the limits stated in the resolution of the local government delegating the power under which the contract is made, varied or discharged; or’.	7
	8
	9
	10
7. Section 451(2)(a), ‘for’—	11
<i>omit, insert—</i>	12
‘to’.	13
8. Chapter 8, Part 2, heading—	14
<i>omit, insert—</i>	15
‘PART 2—MAKING LOCAL LAWS AND LOCAL LAW POLICIES’.	16
	17
9. Section 485(5)(c)—	18
<i>omit, insert—</i>	19
‘(c) the name of—	20
(i) the local law allowing the policy to be made; or	21
(ii) if this step is used under section 489A (Early commencement of local law policy making process)—the proposed authorising law;’.	22
	23
	24
10. Part 2, after section 489—	25
<i>insert—</i>	26

‘Early commencement under local law policy making process	1
‘489A.(1) The purpose of this section is to permit a local government to start the process for making a local law policy (the “policy”) even though the process for making the local law on which the policy is to be based (the “proposed authorising law”) has not finished.	2 3 4 5
‘(2) A local government may use steps 1 to 5 of the process for making the policy (other than actually making the policy) before the proposed authorising local law is made if—	6 7 8
(a) in making the proposed authorising law, the local government has to satisfy steps 3 to 7 in Division 3 (Making other local laws); and	9 10 11
(b) the notice about the policy under section 485 (Step 2—consult with public about proposed policy) is published no earlier than the notice about the proposed authorising law under section 476 (Step 3—consult with public about proposed law) is published.’.	12 13 14 15
11. Section 552—	16
<i>omit, insert—</i>	17
‘Expiry of Part	18
‘552. This Part expires on 31 March 1997.’.	19
12. Section 572, ‘on land’—	20
<i>omit.</i>	21
13. Section 572, ‘the land’—	22
<i>omit, insert—</i>	23
‘the rateable land’	24
14. Section 579(2), ‘The notice must’—	25
<i>omit, insert—</i>	26
‘The statement must’.	27

15. Section 593(2), ‘may’—	1
<i>omit, insert—</i>	2
‘must’.	3
16. Section 593—	4
<i>insert—</i>	5
‘(3) This section does not apply to an interest in land held on a tenure that prohibits a corporation from holding an interest in the land.’	6 7
17. Section 604(3)(a), after ‘water’—	8
<i>insert—</i>	9
‘or gas’.	10
18. Section 614(2)—	11
<i>omit, insert—</i>	12
‘(2) The amount of interest is calculated—	13
(a) on daily rests, applying the interest as compound interest; or	14
(b) if an equal or lower amount will be obtained—in the way decided by the local government.’	15 16
19. Section 629(2), from ‘Circumstances’ to ‘include’—	17
<i>omit, insert—</i>	18
‘However, the only circumstances or factors justifying the exercise of the power are’.	19 20 21
20. Section 632(1)—	22
<i>omit, insert—</i>	23
‘632.(1) When a local government resolves to make and levy a rate, it also may resolve that, for all or stated classes of land, the amount levied will	24 25

not be more than—	1
(a) the amount of the rate levied for the previous financial year; or	2
(b) the amount of the rate levied for the previous financial year increased by a specified percentage.’.	3 4
21. Section 634(2), ‘(1)(a)’—	5
<i>omit, insert—</i>	6
‘(1)’.	7
22. Section 637(1), from ‘If a local government’ to ‘immediately’—	8
<i>omit, insert—</i>	9
‘As soon as practicable after a local government decides to sell land under this Division, it must’.	10 11
23. Section 638(4)—	12
<i>omit.</i>	13
24. Section 639(1), ‘public’—	14
<i>omit.</i>	15
25. Section 645, heading, ‘on certificate of sale’—	16
<i>omit.</i>	17
26. Section 645(1) and (3), ‘certificate’—	18
<i>omit, insert—</i>	19
‘notice’.	20

27. Section 645(2), from ‘certificate’ to ‘seal and’—	1
<i>omit, insert—</i>	2
‘notice’.	3
28. Section 647—	4
<i>omit, insert—</i>	5
‘Purpose of this Division	6
‘647.(1) This Division states how a local government acquires land it has	7
resolved to remove from its land record under section 593 (Resolution to	8
remove valueless land from land record).	9
‘(2) This Division applies subject to section 653 (Priority of State debts	10
preserved).’.	11
29. Section 648(1), from ‘If a’ to ‘must immediately’—	12
<i>omit, insert—</i>	13
‘As soon as practicable after the local government resolves to remove the	14
land from its land record, it must’.	15
30. Section 649(6)—	16
<i>omit.</i>	17
31. Section 667(1), from ‘or a notice’ to ‘person under a local	18
government Act’—	19
<i>omit.</i>	20
32. Section 671(1), after ‘about a local government’—	21
<i>insert—</i>	22
‘matter’.	23

33. Section 696(4)—	1
<i>insert—</i>	2
‘(c) anything that is the outcome of work performed under	3
section 661 (Performing work for owner or occupier).’	4
34. Section 713(4) and (5), ‘within the time prescribed by	5
regulation’—	6
<i>omit, insert—</i>	7
‘in accordance with the regulations’.	8
35. Section 801—	9
<i>omit, insert—</i>	10
‘Expiry of Division	11
‘801. This Division expires on 25 March 1996.’.	12
	13