

Queensland



**LOCAL GOVERNMENT AND  
OTHER LEGISLATION  
AMENDMENT BILL 1999**



# Queensland



## LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL 1999

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**1999**

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**A BILL**

**FOR**

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

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**The Parliament of Queensland enacts—**

1

**PART 1—PRELIMINARY**

2

**Short title**

3

Clause **1.** This Act may be cited as the *Local Government and Other Legislation Amendment Act 1999*.

4

5

**Commencement**

6

Clause **2.(1)** Sections 13, 17 and 78 commence on 1 July 1999.

7

**(2)** The following provisions commence on 1 January 2000—

8

- part 5, division 4

9

- schedule 2, part 2

10

- schedule 3, part 2.

11

**(3)** Sections 14 and 79 commence on 1 July 2000.

12

**(4)** The remaining provisions commence on assent.

13

**PART 2—AMENDMENTS OF CITY OF BRISBANE  
ACT 1924**

14

15

*Division 1—Preliminary*

16

**Act amended in pt 2 and sch 1**

17

Clause **3.** This part and schedule 1 amend the *City of Brisbane Act 1924*.

18

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

		1
	<b>Amendment of s 3 (Interpretation)</b>	2
Clause	<b>4.</b> Section 3(1)—	3
	<i>insert—</i>	4
	‘ <b>“electoral commission”</b> means the Electoral Commission of Queensland.’	5 6
	<b>Amendment of s 16 (Triennial elections)</b>	7
Clause	<b>5.</b> Section 16(3) and (4)—	8
	<i>omit.</i>	9
	<b>Insertion of new s 16A</b>	10
Clause	<b>6.</b> After section 16—	11
	<i>insert—</i>	12
	<b>‘Returning officers for elections</b>	13
	<b>‘16A.(1)</b> This section applies to—	14
	(a) a triennial election of the mayor and other councillors; or	15
	(b) a separate election to fill a vacancy in the office of mayor; or	16
	(c) a separate election by the electors of an electoral ward to fill a vacancy in the office of councillor for the ward.	17 18
	<b>‘(2)</b> However, this section does not apply to the conduct of an election under section 17A.	19 20
	<b>‘(3)</b> The town clerk is the chief returning officer for the election.	21
	<b>‘(4)</b> Also, for an election mentioned in subsection (1)(a) or (c), the town clerk must, by signed writing, appoint a returning officer for each electoral ward or the relevant electoral ward.	22 23 24
	<b>‘(5)</b> However, a person who is not a returning officer for an electoral district comprised completely or partly within the city is not eligible for	25 26

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appointment as returning officer without the written permission of the Minister.’. 1  
2

**Amendment of s 17 (Provisions concerning elections)** 3

Clause 7. Section 17(4), after ‘officer’— 4  
*insert—* 5  
‘or, if under section 17A the electoral commission conducts the election, the commission,’. 6  
7

**Insertion of new s 17A** 8

Clause 8. After section 17— 9  
*insert—* 10

**‘Conduct of elections by electoral commission** 11

‘17A.(1) The council may enter into an agreement with the electoral commission for the conduct of an election by the commission. 12  
13

‘(2) However, the council may enter into the agreement only after it passes a resolution authorising it to enter into the agreement. 14  
15

‘(3) The conduct of the election under this section is a function of the commission.’. 16  
17

***Division 3—Amendments of City of Brisbane Act 1924 about rates*** 18

**Amendment of s 3 (Interpretation)** 19

Clause 9. Section 3(1)— 20  
*insert—* 21

‘**“budget meeting”**, of the council, means a meeting of the council at which it adopts its budget for a financial year. 22  
23

**“discount date”**, for a rate, means a date, decided by the council, by which the rate must be paid for a discount to be allowed. 24  
25

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**“discount period”**, for a rate, means the period of time, decided by the council, during which the rate must be paid for a discount to be allowed.’. 1  
2  
3

**Replacement of s 51 (Meaning of “separate rate or charge”)** 4

Clause **10.** Section 51— 5  
*omit, insert—* 6

**“Meaning of “separate rate or charge”** 7

**‘51.** A **“separate rate or charge”** is a rate or charge made and levied on all or any rateable land for a service, facility or activity whether or not the service, facility or activity is supplied, or proposed to be supplied, by the council itself.’. 8  
9  
10  
11

**Amendment of s 56 (Minimum general rate levies)** 12

Clause **11.** Section 56— 13  
*insert—* 14

**‘(3)** The council must not make and levy a minimum general rate levy for a parcel of land if— 15  
16

(a) the *Valuation of Land Act 1944*, section 25,<sup>1</sup> applies to the parcel; 17  
and 18

(b) under that section, the parcel’s discounted valuation period has not ended.’. 19  
20

**Amendment of s 57 (Separate rates and charges)** 21

Clause **12.** Section 57(1), ‘work,’— 22  
*omit.* 23

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<sup>1</sup> Section 25 (Valuation—discounting for subdivided land)

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**Amendment of s 60 (Levying rates)**

		1
Clause	<b>13.</b> Section 60(2)—	2
	<i>omit, insert—</i>	3
	‘(2) The council must state on the rate notice—	4
	(a) the date the rate notice was issued; and	5
	(b) the date by which or the time within which the rate must be paid.	6
	‘(2B) The council may also state on a rate notice amounts, other than rates, that are payable to the council.	7
		8
	<i>Example for subsection (2B)—</i>	9
	Licence fees.’.	10

**Amendment of s 60 (Levying rates)**

		11
Clause	<b>14.(1)</b> Section 60—	12
	<i>insert—</i>	13
	‘(2A) The council must also state on, or include with, the rate notice—	14
	(a) if the council has decided 1 or more discount dates or 1 or more discount periods for payment of the rate—the discount or information about how the discount is calculated; and	15
		16
		17
	(b) if the council has resolved that a rate may be paid by instalments—requirements for payment by instalments.’.	18
		19
	(2) Section 60—	20
	<i>insert—</i>	21
	‘(2C) If the council includes an amount mentioned in subsection (2B) on a rate notice, it must be clear on the face of the rate notice that—	22
		23
	(a) the amount is not a rate; and	24
	(b) payment of the amount, whether before or after any discount date or discount period for a rate mentioned in the notice, does not affect any discount relating to the rate.	25
		26
		27
	‘(2D) Subsection (2E) applies if—	28



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(a) the council receives payment of an amount (the “**amount received**”) that is less than the total of all amounts, mentioned on a rate notice (the “**rate notice amounts**”), that are payable to the council; and

(b) the person who pays the amount received does not specify which of the rate notice amounts the person is intending to pay.

‘(2E) The council must use the amount received in payment of the rate notice amounts in the following order—

- unpaid rates
- a rate or rates levied by the rate notice
- amounts, other than rates, that are payable to the council.’

**Amendment of s 60 (Levying rates)**

Clause 15. Section 60—

*insert—*

‘(3A) If a person liable to pay a rate has paid the rate before the council has given the person a rate notice for the period for which the rate is levied, the council is not required to give the person a rate notice for the period.’

**Replacement of s 65 (Time for payment of rates and recovery of rates)**

Clause 16. Section 65—

*omit, insert—*

**‘Time within which rates must be paid**

‘65.(1) At its budget meeting, the council must, by resolution, decide the date by which, or the time within which, each rate must be paid.

‘(2) The date by which, or the time within which, the rate must be paid must be—

- (a) at least 30 days after the rate notice is issued; and
- (b) the same date or time for each person liable to pay the rate.

‘(3) If, under section 68(4), the council alters the discount date or

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discount period for the rate to a date that is after the date by which, or the time within which, the rate must be paid, the council must, by resolution, alter the date by which, or the time within which, the rate must be paid. 1  
2  
3

‘(4) The altered date or time must not be before the discount date, or the last day of the discount period, for the rate.’. 4  
5

**Amendment of s 67 (Unpaid rate may bear interest)** 6

Clause 17. Section 67(1), ‘within 30 days’ to ‘levied’— 7

*omit, insert—* 8

‘by the date, or within the time, stated on the rate notice, by which the rate is levied, as the date by which or the time within which the rate must be paid’. 9  
10  
11

**Replacement of s 68 (Discount for prompt payment)** 12

Clause 18. Section 68— 13

*omit, insert—* 14

**‘Discount for prompt payment** 15

‘68.(1) At its budget meeting, the council may, by resolution, decide to allow a discount for prompt payment of a rate. 16  
17

‘(2) If the council decides to allow a discount, the council must decide— 18

(a) whether the discount is to be a fixed amount or a percentage of the rate; and 19  
20

(b) if the discount is to be a fixed amount—the amount; and 21

(c) if the discount is to be a percentage of the rate—the percentage; and 22  
23

(d) the discount date or discount period for the rate. 24

‘(3) The discount date or discount period for the rate must not be— 25

(a) for the discount date—after the date decided by the council under section 65 as the date by which the rate must be paid; and 26  
27

(b) for the discount period—longer than the time decided by the 28

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council under section 65 as the time within which the rate must be paid. 1  
2

‘(4) The discount date or discount period may be altered by the council, by resolution, to allow each person liable to pay the rate a greater period of time to pay the rate and be allowed the discount. 3  
4  
5

‘(5) If the council allows a discount for payment of a rate, it must allow the discount to each person who is liable to pay the rate and who pays the rate by the discount date or within the discount period for the rate. 6  
7  
8

‘(6) The council may allow more than 1 amount of discount or percentage discount for a rate only if the council— 9  
10

(a) decides more than 1 discount date or discount period for the rate; and 11  
12

(b) allows a different amount of discount or percentage discount for each discount date or discount period decided. 13  
14

**‘Discount if payment of rates by instalments** 15

‘68A.(1) This section applies to a rate being paid to the council by instalments. 16  
17

‘(2) At its budget meeting, the council may decide, by resolution, to allow a discount for payment of an instalment of the rate by the last day of the period for paying the instalment. 18  
19  
20

‘(3) If the council allows a discount for payment of the instalment, it must allow the discount to each person paying the rate by instalments and who pays an instalment by the day mentioned in subsection (2). 21  
22  
23

**‘Discount if special circumstances prevent prompt payment** 24

‘68B. If the council is satisfied that a person liable to pay a rate has been prevented, by circumstances beyond the person’s control, from paying the rate in time to benefit from a discount under section 68 or 68A, the council may still allow the discount. 25  
26  
27  
28

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**‘Discount if other rates are unpaid**

‘**68C.** Sections 68 to 68B do not apply to a rate paid in full by the discount date or by the end of the discount period if other rates are unpaid for the land.’.

***Division 4—Other amendments of City of Brisbane Act 1924***

**Insertion of new s 42A**

Clause **19.** After section 42—

*insert—*

**‘Exceptions to the requirement for tenders or quotations**

‘**42A.(1)** The council may enter into a contract without complying with section 42 if—

- (a) the contract is made under an exemption to open competition under a financial management standard prescribed under a regulation; or
- (b) the contract is for supplying a service and is made with a person on a panel compiled under this section.

‘**(2)** The council may compile a panel of the names of persons suitably qualified to supply a service.

‘**(3)** The panel must be compiled by inviting expressions of interest from persons to be included on the panel in the way provided for inviting tenders under section 42.’.

**Amendment of sch 3 (Appeals)**

Clause **20.(1)** Schedule 3, section 1(3)—

*omit.*

**(2)** Schedule 3, section 1(4)—

*renumber* as section 1(3).

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**PART 3—AMENDMENTS OF FIRE AND RESCUE  
AUTHORITY ACT 1990**

	1
	2
<b>Act amended in pt 3</b>	3
Clause 21. This part amends the <i>Fire and Rescue Authority Act 1990</i> .	4
<b>Replacement of s 128A (Local government may make and levy certain rates or charges and contribute amounts raised to rural fire brigades)</b>	5
	6
Clause 22. Section 128A—	7
<i>omit, insert—</i>	8
<b>‘Local government may make and levy certain rates or charges and contribute amounts raised to rural fire brigades</b>	9
	10
<b>‘128A.</b> A local government may make and levy the following rates or charges and contribute amounts raised to rural fire brigades operating in its local government area—	11
	12
	13
(a) for Brisbane City Council—a separate rate or charge under the <i>City of Brisbane Act 1924</i> , section 57;	14
	15
(b) for another local government—	16
(i) a special rate or charge under the <i>Local Government Act 1993</i> , section 971; or	17
	18
(ii) a separate rate or charge under the <i>Local Government Act 1993</i> , section 972.’.	19
	20

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

	1
	2
<b>Act amended in pt 4</b>	3
Clause 23. This part amends the <i>Local Government (Aboriginal Lands) Act 1978</i> .	4 5
<b>Amendment of s 42 (Definitions)</b>	6
Clause 24.(1) Section 42, heading—	7
<i>omit, insert—</i>	8
<b>‘Definitions for pt 6’.</b>	9
(2) Section 42, definition “ACI”—	10
<i>omit.</i>	11
<b>Amendment of s 51 (Meetings of law council)</b>	12
Clause 25.(1) Section 51—	13
<i>insert—</i>	14
‘(3A) The secretary must give written notice of a meeting to the members and the police officer in charge of the police station at Aurukun at least 2 days before the day of the meeting unless it is impracticable to give the notice.	15 16 17 18
‘(3B) The notice must state—	19
(a) the day and time of the meeting; and	20
(b) the agenda for the meeting.’.	21
(2) Section 51(4), ‘1 member’—	22
<i>omit, insert—</i>	23
‘2 members’.	24
(3) Section 51(5), after ‘members’—	25

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	<i>insert—</i>	1
	‘, and the recognised traditional groups they represent.’	2
	<b>Amendment of s 55 (Secretary)</b>	3
Clause	<b>26.</b> Section 55(2)—	4
	<i>omit, insert—</i>	5
	‘(2) The chief executive officer of the shire council is the secretary.’	6
	<b>Insertion of new s 55A</b>	7
Clause	<b>27.</b> After section 55—	8
	<i>insert—</i>	9
	<b>‘Police officer may attend meetings</b>	10
	‘ <b>55A.(1)</b> The police officer in charge of the police station at Aurukun, or another police officer nominated by the officer in charge, may attend meetings of the law council.	11 12 13
	‘(2) The officer attending may advise the law council on any issue before it.’	14 15
	<b>Replacement of s 56 (Reporting requirements)</b>	16
Clause	<b>28.</b> Section 56—	17
	<i>omit, insert—</i>	18
	<b>‘Reporting requirements</b>	19
	‘ <b>56.(1)</b> Within 30 days after the end of each financial year, the law council must prepare a report on its activities for the year and give the report to the shire council.	20 21 22
	‘(2) As soon as practicable after giving the report to the shire council, the law council must—	23 24
	(a) publish a notice in a newspaper circulating generally in the shire;	25
	and	26

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(b) display a notice in a prominent place in the township of Aurukun. 1

‘(3) The notices must advise that copies of the report are available from 2  
the shire council’s office. 3

‘(4) The shire council’s annual report prepared under the *Local* 4  
*Government Act 1993* for the financial year must contain the law council’s 5  
report.’. 6

**Amendment of s 57 (Administrative support) 7**

Clause 29.(1) Section 57(1), example 5— 8

*omit, insert—* 9

‘5. Preparing a report on the law council’s activities.’. 10

(2) Section 57(2)— 11

*omit.* 12

**Insertion of new s 100A 13**

Clause 30. After section 100— 14

*insert—* 15

**‘Constitution of Magistrates Court for appeal 16**

‘100A. The Magistrates Court must be constituted by a magistrate when 17  
exercising its jurisdiction to decide the appeal.’. 18

**Replacement of pt 6, div 13 (Expiry of part) 19**

Clause 31. Part 6, division 13— 20

*omit, insert—* 21

*‘Division 13—Review of part 22*

**‘Review of pt 6 23**

‘109.(1) As soon as practicable after 30 June 2001, the Minister must 24  
carry out a review of the operation of this part to decide whether its 25



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provisions remain appropriate. 1

‘(2) The Minister must table a report of the review’s outcome in the 2  
Legislative Assembly before 30 June 2002.’. 3

**PART 5—AMENDMENTS OF LOCAL  
GOVERNMENT ACT 1993** 4  
5

*Division 1—Preliminary* 6

**Act amended in pt 5 and sch 2** 7

Clause 32. This part and schedule 2 amend the *Local Government Act 1993*. 8

*Division 2—Amendments of Local Government Act 1993 about elections* 9

**Amendment of s 270 (Date of by-elections)** 10

Clause 33. Section 270(2), ‘2 months’— 11  
*omit, insert—* 12  
‘10 weeks’. 13

**Amendment of s 277 (Cut off day for voters roll)** 14

Clause 34.(1) Section 277(a) and (b)— 15  
*omit, insert—* 16  
‘(a) for a triennial election—31 January in the year of the election;’. 17  
(2) Section 277(c)— 18  
*renumber* as section 277(b). 19

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	<b>Amendment of s 314 (Disposal of deposits generally)</b>	1
Clause	<b>35.(1)</b> Section 314(1), ‘declaration of the result of a poll’—	2
	<i>omit, insert—</i>	3
	‘conclusion of an election’.	4
	<b>(2)</b> Section 314(2)—	5
	<i>omit, insert—</i>	6
	‘ <b>(2)</b> Despite subsection (1), a candidate’s deposit must not be refunded until—	7
		8
	(a) if, under section 427, the candidate is required to give a return under the section for the candidate’s disclosure period for the election—the candidate gives the return; or	9
		10
		11
	(b) if, under section 427(3), the candidate is not required to give a return under the section for the candidate’s disclosure period for the election—the end of the disclosure period.’.	12
		13
		14
	<b>(3)</b> Section 314—	15
	<i>insert—</i>	16
	‘ <b>(4)</b> This section applies to Brisbane City Council.’.	17
		18
	<b>Amendment of s 326 (Separate ballot papers for separate polls)</b>	18
Clause	<b>36.</b> Section 326(2) and (3)—	19
	<i>omit, insert—</i>	20
	‘ <b>(2)</b> Separate ballot papers must be used for the polls unless the returning officer decides to use a combined ballot paper.’.	21
		22
	<b>Insertion of new s 346A</b>	23
Clause	<b>37.</b> After section 346—	24
	<i>insert—</i>	25

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**‘Distribution of ballot papers to certain electors who may cast declaration vote** 1  
2

‘**346A.(1)** This section applies to an elector mentioned in section 343(g). 3

‘**(2)** As soon as practicable after the nomination day for an election, the 4  
returning officer for the election must give the following things to the 5  
elector— 6

(a) a ballot paper; 7

(b) the approved declaration envelope; 8

(c) written instructions in the approved form on how the vote may be 9  
cast; 10

(d) an unsealed reply paid post envelope addressed to the returning 11  
officer and bearing the words ‘Ballot paper—(*insert City, Town* 12  
*or Shire*) of (*insert name of local government area*)’. 13

‘**(3)** However, if the things mentioned in subsection (2) are posted to an 14  
address outside Australia, the envelope mentioned in subsection (2)(d) need 15  
not be reply paid.’. 16

**Amendment of s 353 (Distribution of declaration envelopes when 17  
separate ballot papers or polls on same day) 18**

Clause **38.** Section 353(1)— 19

*omit, insert—* 20

‘**353.(1)** This section applies if— 21

(a) under section 326, separate ballot papers are used in polls for 22  
elections of the mayor and another councillor conducted on the 23  
same day; or 24

(b) under this part, a local government conducts a poll under 25  
chapter 6, part 2, on the day of the poll for an election.’. 26

**Insertion of new s 363A 27**

Clause **39.** After section 363— 28

*insert—* 29

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**‘Preliminary processing of declaration votes by returning officer—postal ballot election** 1  
2

‘**363A.(1)** This section applies to an election for which a direction has 3  
been given under section 318(2)(a). 4

‘(2) After 8 a.m. on the day before polling day, the returning officer may 5  
open all ballot boxes and examine the declaration envelopes to decide 6  
whether the ballot papers in the envelopes are to be accepted for counting.’. 7

**Insertion of new s 413A** 8

Clause **40.** In part 8, division 1, before section 414— 9  
*insert—* 10

**‘Application of pt 8 to Brisbane City Council** 11

‘**413A.** This part applies to Brisbane City Council.’. 12

**Amendment of s 415 (Candidates)** 13

Clause **41.** Section 415— 14  
*insert—* 15

‘(2) In this section— 16

“**nomination day**”, for an election for Brisbane City Council, means the 17  
day of nomination specified in the notice for the election published 18  
under the *City of Brisbane Act 1924*, section 17(4).’ 19

**Insertion of new s 423A** 20

Clause **42.** After section 423— 21  
*insert—* 22

**‘Disclosure period for s 427A** 23

‘**423A.** For section 427A, the disclosure period for an election— 24

(a) starts at the end of the prescribed period after the conclusion of the 25  
immediately preceding triennial elections for the relevant local 26

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	government under the section; and	1
	(b) ends at the end of the prescribed period after the conclusion of the election.’.	2 3
	<b>Insertion of new ss 425A and 425B</b>	4
Clause	<b>43.</b> In chapter 5, part 8, division 2, subdivision 3, after section 425— <i>insert—</i>	5 6
	<b>‘Transitional provisions for other disclosure periods</b>	7
	‘ <b>425A.</b> Despite subdivisions 1 and 2, if a disclosure period for a Brisbane City Council election, or a disclosure period for section 427A for another local government election, would otherwise start before the commencement of this section, it starts on the commencement.	8 9 10 11
	<b>‘Expiry of sdiv 3</b>	12
	‘ <b>425B.</b> This subdivision expires on 1 January 2004.’.	13
	<b>Amendment of s 426 (Definitions)</b>	14
Clause	<b>44.(1)</b> Section 426, heading— <i>omit, insert—</i>	15 16
	<b>‘Definitions for div 3’.</b>	17
	(2) Section 426, ‘In this subdivision—’ <i>omit, insert—</i>	18 19
	‘In this division—’.	20
	(3) Section 426— <i>insert—</i>	21 22
	‘ <b>“group of candidates”</b> means a group of candidates formed to promote the election of the candidates for a particular local government, but does not include a political party or an associated entity.	23 24 25
	<b>“group’s campaign committee”</b> , for a campaign committee of a group of	26

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candidates for an election, means a committee formed to help the election campaign of members of the group.’. 1  
2

**Amendment of s 427 (Gifts to candidates)** 3

Clause 45. Section 427— 4

*insert—* 5

‘(3) A candidate need not comply with subsection (2) if— 6

(a) the candidate gives a return under section 242(1)(a)<sup>2</sup> and the return states the candidate— 7  
8

(i) does not expect to receive gifts in the disclosure period for the election after giving the return; and 9  
10

(ii) will give a return under the section if gifts are received in the disclosure period for the election after giving the return; and 11  
12

(b) the candidate does not receive gifts in the disclosure period for the election after giving the return.’. 13  
14

**Insertion of new s 427A** 15

Clause 46. After section 427— 16

*insert—* 17

**‘Gifts to groups of candidates** 18

‘427A.(1) This section applies if— 19

(a) a candidate for an election is a member of a group of candidates; and 20  
21

(b) the group, or the group’s campaign committee for the election, receives gifts for the election during the disclosure period for this section for the election. 22  
23  
24

‘(2) Within 3 months after the conclusion of the election, the candidate must give to the chief executive officer of the local government to which the 25  
26

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<sup>2</sup> Section 242 (Requirements of councillors before acting in office)

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election relates a return, in the approved form, stating the following—	1
(a) the names of the candidates forming the group;	2
(b) the name, if any, of the group;	3
(c) the total value of all of the gifts;	4
(d) how many persons made the gifts;	5
(e) the relevant details for each gift made by a person to the group if the total value of all gifts made by the person to the group during the disclosure period is the prescribed amount or more.	6 7 8
‘(3) A candidate need not comply with subsection (2) if—	9
(a) the candidate gives a return under section 242(1)(a) and the return states the candidate—	10 11
(i) does not expect the group or the group’s campaign committee for the election to receive further gifts in the disclosure period for the election after giving the return; and	12 13 14
(ii) will give a return under the section if further gifts are received in the disclosure period for the election after giving the return; and	15 16 17
(b) the group or the group’s campaign committee for the election does not receive further gifts in the disclosure period for the election after giving the return.’.	18 19 20
 <b>Amendment of s 429 (Chief executive officer to give reminder notice to candidates)</b>	 21 22
Clause <b>47.(1)</b> Section 429(1), from ‘to give’—	23
<i>omit, insert—</i>	24
‘, under section 427(2), to give for the election.’.	25
<b>(2)</b> Section 429—	26
<i>insert—</i>	27
‘ <b>(1A)</b> To remove any doubt, it is declared that this section does not apply if, under section 427(3), the candidate is not required to give the return.’.	28 29

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	(3) Section 429(3)(b)—	1
	<i>insert—</i>	2
	• section 427A’.	3
	<b>Amendment of s 430 (Gifts for third party expenditure for political purposes)</b>	4
		5
Clause	<b>48.</b> Section 430—	6
	<i>insert—</i>	7
	‘(3A) Also, for subsection (1), a person does not include a person who is a member of a candidate’s campaign committee or a group’s campaign committee for an election of the candidate or members of a group of candidates.’.	8
		9
		10
		11
	<b><i>Division 3—Amendments of Local Government Act 1993 about local laws and local law policies commencing on assent</i></b>	12
		13
	<b>Insertion of new s 856A</b>	14
Clause	<b>49.</b> After section 856—	15
	<i>insert—</i>	16
	<b>‘Step 1—propose a law</b>	17
	‘ <b>856A.</b> Before making a model local law, a local government must, by resolution, propose to adopt the model local law.’.	18
		19
	<b>Amendment of s 857 (Step 1—make a law)</b>	20
Clause	<b>50.</b> Section 857, heading—	21
	<i>omit, insert—</i>	22
	<b>‘Step 2—make a law’.</b>	23



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	<b>Amendment of s 858 (Step 2—give public notice of law)</b>	1
Clause	<b>51.</b> Section 858, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Step 3—give public notice of law’.</b>	4
	 <b>Amendment of s 860 (Step 1—propose a law)</b>	 5
Clause	<b>52.</b> Section 860(1)—	6
	<i>omit, insert—</i>	7
	<b>‘860.(1)</b> Before making an interim local law, the local government must, by resolution, propose to—	8 9
	(a) make the law; and	10
	(b) get the Minister’s agreement to make the law as an interim local law.’.	11 12
	 <b>Replacement of s 861 (Step 2—get Minister’s agreement to use interim local law process)</b>	 13 14
Clause	<b>53.</b> Section 861—	15
	<i>omit, insert—</i>	16
	<b>‘Step 2—get Minister’s agreement to use interim local law process</b>	17
	<b>‘861.(1)</b> The local government must—	18
	(a) give the Minister a copy of the proposed interim local law; and	19
	(b) advise the Minister why it is necessary or desirable for the local law to be made on an interim basis; and	20 21
	(c) give the Minister the following information about the proposed interim local law—	22 23
	(i) any provision of the proposed interim local law that, under division 5, is a possible anti-competitive provision and actions taken or proposed to be taken by the local government under the division about the provision;	24 25 26 27

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- (ii) information required by the Minister or under a regulation. 1
- ‘(2) The Minister must advise the local government that it may proceed 2  
further in making the interim local law if the Minister— 3
- (a) agrees the proposed local law may be made on an interim basis; 4  
and 5
- (b) considers State interests are satisfactorily dealt with by the 6  
proposed local law. 7
- ‘(3) The Minister’s agreement may be given on conditions the Minister 8  
considers appropriate. 9
- ‘(4) If the Minister agrees the proposed local law may be made on an 10  
interim basis but considers State interests would be satisfactorily dealt with 11  
by the proposed local law if the local government satisfied particular 12  
conditions, the Minister— 13
- (a) may impose the conditions on the local government the Minister 14  
considers appropriate; and 15
- (b) must advise the local government that it may proceed further in 16  
making the interim local law if it— 17
- (i) satisfies any conditions about the content of the proposed 18  
local law; and 19
- (ii) agrees to satisfy any other conditions. 20
- ‘(5) Without limiting subsection (4)(a), the Minister may impose a 21  
condition about a longer consultation period for making the interim local 22  
law as a local law under division 3. 23
- ‘(6) Also, the Minister’s advice may state that the local government may 24  
proceed without satisfying step 7 of division 3 if it agrees to satisfy 25  
particular conditions. 26
- ‘(7) Before proceeding to step 3, the local government must— 27
- (a) get an advice under subsection (2) or (4); and 28
- (b) satisfy any condition about the content of the proposed local law; 29  
and 30
- (c) agree to satisfy any other conditions.’. 31

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	<b>Insertion of new s 863A</b>	1
Clause	<b>54.</b> In chapter 12, part 2, division 2, after section 863—	2
	<i>insert—</i>	3
	<b>‘Making proposed interim local law under div 3</b>	4
	<b>‘863A.(1)</b> After making the proposed interim local law, the local government must proceed to make the proposed interim local law as a local law under division 3, starting at step 3.	5 6 7
	<b>‘(2)</b> The local government must publish a notice about the proposed local law under section 868(4) within—	8 9
	(a) 21 days after the resolution; or	10
	(b) the longer period decided by the Minister under section 861(5) about making the local law.’.	11 12
	<b>Amendment of s 864 (Application of division)</b>	13
Clause	<b>55.</b> Section 864, after ‘to’—	14
	<i>insert—</i>	15
	‘section 863A and’.	16
	<b>Replacement of s 866 (Step 1—propose a law)</b>	17
Clause	<b>56.</b> Section 866—	18
	<i>omit, insert—</i>	19
	<b>‘Step 1—propose a law</b>	20
	<b>‘866.</b> Before making a local law, the local government must, by resolution, propose to make the law.’.	21 22
	<b>Amendment of s 867 (Step 2—ensure proposed law satisfactorily deals with any State interest)</b>	23 24
Clause	<b>57.</b> Section 867(1)—	25
	<i>omit, insert—</i>	26

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- ‘867.(1)** The local government must give the Minister the following— 1
- (a) a copy of the proposed local law; 2
- (b) the following information about the proposed local law— 3
- (i) any provision of the proposed local law that, under 4  
division 5, is a possible anti-competitive provision and 5  
actions taken or proposed to be taken by the local 6  
government under the division about the provision; 7
- (ii) information required by the Minister or under a regulation.’. 8

**Amendment of s 868 (Step 3—consult with public about proposed law)** 9  
10

- Clause **58.** Section 868(2)(a), after ‘step 2’— 11
- insert—* 12
- ‘of this division or division 2’. 13

**Amendment of s 872 (Step 7—again ensure proposed law satisfactorily deals with any State interest)** 14  
15

- Clause **59.** Section 872(1)(a), after ‘under section’— 16
- insert—* 17
- ‘861(6) or’. 18

**Replacement of s 877 (Step 1—propose a policy)** 19

- Clause **60.** Section 877— 20
- omit, insert—* 21
- ‘Step 1—propose a local law policy** 22
- ‘877.** Before making a local law policy, the local government must, by 23  
resolution, propose to make the local law policy.’. 24

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**Amendment of s 883 (Early commencement under local law policy making process)**

		1
		2
Clause	<b>61.(1)</b> Section 883(2)(a), from ‘division’—	3
	<i>omit, insert—</i>	4
	‘division 1 or steps 3 to 7 of division 3; and’.	5
	<b>(2)</b> Section 883(2)(b)—	6
	<i>omit, insert—</i>	7
	‘(b) for a proposed authorising local law made under division 3—the notice about the local law policy under section 878 is published no earlier than the notice about the proposed authorising law under section 868 is published.’.	8
		9
		10
		11

**Insertion of new s 896A**

		12
Clause	<b>62.</b> After section 896—	13
	<i>insert—</i>	14
	<b>‘Effect of expiry of interim local law</b>	15
	<b>‘896A.(1)</b> This section applies if—	16
	(a) a local law (the <b>“original local law”</b> ) is repealed or amended by an interim local law; and	17
		18
	(b) the interim local law expires; and	19
	(c) the interim local law is not made, with or without change, as a local law under part 2, division 3.	20
		21
	<b>‘(2)</b> If the interim local law repealed the original local law, on the expiry of the interim local law—	22
		23
	(a) the original local law revives in the form it was immediately before the repeal; and	24
		25
	(b) a local law policy, or a provision of a local law policy, that ceases to have effect because of the repeal revives in the form it was immediately before the repeal.	26
		27
		28
	<b>‘(3)</b> If the interim local law amended the original local law, on the expiry	29

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of the interim local law, the original local law is taken to never have been amended by the interim local law. 1  
2

‘(4) Subsection (5) applies if a local law policy, or a provision of a local law policy, ceases to have effect because of the amendment of the original local law. 3  
4  
5

‘(5) On the expiry of the interim local law, the local law policy or provision is taken never to have been affected by the amendment. 6  
7

‘(6) Subsections (3) and (5) do not affect anything done or suffered under the interim local law before it expired.’. 8  
9

**Insertion of new s 897A** 10

Clause 63. After section 897— 11  
*insert—* 12

**‘When local law policies cease to have effect** 13

‘897A.(1) This section applies if— 14

(a) a local law or provision of a local law states a matter about which a local law policy may be made; and 15  
16

(b) a local law policy is made about the matter; and 17

(c) the local law is repealed or the provision is omitted.<sup>3</sup> 18

‘(2) To remove any doubt, it is declared that the local law policy ceases to have effect on the repeal or omission. 19  
20

‘(3) This section has effect subject to section 896A.’. 21

**Amendment of s 1228 (Repeal or amendment of anti-competitive provision)** 22  
23

Clause 64.(1) Section 1228(3), from ‘A’ to ‘following’— 24  
*omit, insert—* 25

---

<sup>3</sup> A local government may also repeal a local law policy by using the processes stated in part 2, division 4, for making a local law policy—see the *Acts Interpretation Act 1954*, section 24AA.

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‘The local government must give notice of the making of the local law or local law policy. 1  
2

‘(3A) The notice must state the following’. 3

(2) Section 1228— 4

*insert—* 5

‘(3B) The notice must be published in— 6

(a) for a local law—the gazette; or 7

(b) for a local law policy—a newspaper circulating generally in the local government’s area.’. 8  
9

***Division 4—Amendments of Local Government Act 1993 about local laws and local law policies commencing on 1 January 2000*** 10  
11

**Amendment of s 3 (Definitions)** 12

Clause 65. Section 3— 13

*insert—* 14

‘**“drafting certificate”**, for a proposed interim local law, proposed local law or subordinate local law, means a certificate signed by the relevant local government’s chief executive officer and a lawyer stating the law is drafted in accordance with drafting standards prescribed under a regulation for the law.’. 15  
16  
17  
18  
19

**Replacement of s 853 (Meaning of “local law policy”)** 20

Clause 66. Section 853— 21

*omit, insert—* 22

**‘Meaning of “subordinate local law”** 23

‘853. A **“subordinate local law”** is a law made by a local government about a matter that a local law expressly states that the local government may make about the matter.’. 24  
25  
26

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**Amendment of s 861 (Step 2—get Minister’s agreement to use interim local law process)**

		1
		2
Clause	<b>67.</b> Section 861(1)(a)—	3
	<i>omit, insert—</i>	4
	‘(a) give the Minister—	5
	(i) a copy of the proposed interim local law; and	6
	(ii) a drafting certificate for the proposed local law; and’.	7
	<b>(2)</b> Section 861(2)—	8
	<i>insert—</i>	9
	‘(c) considers the proposed local law is drafted substantially in accordance with drafting standards prescribed under a regulation.’.	10
		11
		12
		13

**Amendment of s 867 (Step 2—ensure proposed law satisfactorily deals with any State interest)**

		14
		15
Clause	<b>68.(1)</b> Section 867(1)—	16
	<i>insert—</i>	17
	‘(aa)a drafting certificate for the proposed local law;’.	18
	<b>(2)</b> Section 867(2)—	19
	<i>omit, insert—</i>	20
	‘ <b>(2)</b> The Minister must advise the local government that it may proceed further in making the law if the Minister considers —	21
		22
	(a) State interests are satisfactorily dealt with by the proposed local law; and	23
		24
	(b) the proposed local law is drafted substantially in accordance with drafting standards prescribed under a regulation.’.	25
		26

**Amendment of s 882 (Step 6—give public notice of policy)**

		27
Clause	<b>69.</b> Section 882(3)(c)—	28



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	<i>omit, insert—</i>	1
	‘(c) a drafting certificate for the subordinate local law; and	2
	(d) advice of any anti-competitive provisions included in the subordinate local law and reasons for their inclusion.’	3 4
	<b>Insertion of new ch 12, pt 5</b>	5
Clause	<b>70.</b> After section 899—	6
	<i>insert—</i>	7
	<b>‘PART 5—REVIEW AND EXPIRY OF LOCAL LAWS AND SUBORDINATE LOCAL LAWS</b>	8 9
	<b>‘Definitions for pt 5</b>	10
	<b>‘899A.</b> In this part—	11
	<b>“expiry date”</b> means—	12
	(a) for the first review date—31 December 2010; or	13
	(b) for a subsequent review date—31 December in the year that is 2 years after the review date.	14 15
	<b>“first review date”</b> means 1 January 2008.	16
	<b>“redundant provision”</b> see section 899C.	17
	<b>“review date”</b> means the first review date or a subsequent review date.	18
	<b>“subsequent review date”</b> means 1 January in each tenth year after 1 January 2008.	19 20
	<b>‘Expiry of local laws and subordinate local laws</b>	21
	<b>‘899B.</b> A local law or subordinate local law in force on a review date expires on the expiry date for the review date unless—	22 23
	(a) it sooner expires or is repealed; or	24
	(b) the local government publishes a notice in the gazette for the laws under section 899C.	25 26

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**‘Reviews of local laws and subordinate local laws**

**‘899C.(1)** After each review date, a local government must review its local laws and subordinate local laws in force on the review date to identify any provision of the law that serves no useful purpose (a **“redundant provision”**).

**‘(2)** After reviewing the law, the local government must, by resolution, decide whether it contains any redundant provisions.

**‘(3)** If, after reviewing the law, a local government by resolution decides that the law does not contain any redundant provisions, the local government must publish a notice about the review in the gazette stating the following—

- (a) the name of the local government;
- (b) the name of the law reviewed;
- (c) that the law was reviewed by it to identify any provision that serves no useful purpose but no provision was identified;
- (d) the date of the local government’s resolution about the review.

**‘(4)** As soon as practicable after the notice is published, the local government must give a copy of the notice to the Minister.

**‘Repeal of redundant provision**

**‘899D.(1)** This section applies if, after a review under this part of a local law or subordinate local law (the **“existing law”**), a local government decides the law contains a redundant provision.

**‘(2)** The local government must, by resolution, make a local law or subordinate local law repealing the provision.

**‘(3)** A notice of the making of the local law or subordinate local law must be published in the gazette stating the following—

- (a) the name of the local government making the law;
- (b) the name of the law;
- (c) the date of the local government’s resolution making the law;
- (d) the name of the existing law;

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(e) that a redundant provision of the existing law has been identified; 1

(f) that the provision has been repealed; 2

(g) that a certified copy of the law is open to inspection at the local government's public office and at the department's state office. 3  
4

'(4) The local government's chief executive officer must certify the required number of copies of the law to be the law as made by the local government. 5  
6  
7

'(5) As soon as practicable after the making of the law, the local government must give the Minister— 8  
9

(a) a copy of the notice; and 10

(b) the required number of certified copies of the law. 11

'(6) Part 2<sup>4</sup> does not apply to a law made under this section.' 12

**Amendment of s 1132 (Delegation by chief executive officer) 13**

Clause **71.** Section 1132— 14

*insert—* 15

'(2A) Also, the chief executive officer may not delegate the chief executive officer's power to sign a drafting certificate for a proposed interim local law, proposed local law or subordinate local law.' 16  
17  
18

**Amendment of s 1203 (Regulation-making power) 19**

Clause **72.** Section 1203— 20

*insert—* 21

'(2) A regulation prescribing drafting standards for local laws or subordinate local laws may make provision about the following— 22  
23

(a) the citation and numbering of the laws; 24

(b) the use of gender-neutral language in the laws; 25

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<sup>4</sup> Part 2 (Making local laws and subordinate local laws)

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- (c) the application of fundamental legislative principles to the laws; 1
- (d) the printing and drafting style used in the laws. 2

‘(3) Subsection (2) does not limit the matters for which the regulation may make provision.’. 3  
4

**Insertion of new s 1234** 5

Clause 73. After section 1233— 6  
*insert—* 7

**‘Transitional provisions for local law policies** 8

‘1234.(1) A local law policy in force immediately before the commencement of this section is taken to be a subordinate local law. 9  
10

‘(2) A reference in an Act or document to a local law policy may, if the context permits, be taken to be a reference to a subordinate local law. 11  
12

‘(3) The register kept by a local government, at the commencement, of its local law policies is taken to be the register of its subordinate local laws. 13  
14

‘(4) Subsection (5) applies if, before the commencement, a local government had started, but not finished, using the process under chapter 12, part 2, division 4, for making a local law policy about a matter. 15  
16  
17

‘(5) On the commencement, the local government is taken to have used the process for making a subordinate local law about the matter to the extent it used the process under subsection (4).’ 18  
19  
20

***Division 5—Amendments of Local Government Act 1993 about rates*** 21

**Amendment of s 3 (Definitions)** 22

Clause 74.(1) Section 3, definition “overdue rate”— 23  
*omit.* 24

(2) Section 3— 25  
*insert—* 26

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‘ **“discount date”**, for a rate, means a date, decided by the local government, by which the rate must be paid for a discount to be allowed. 1  
2  
3

**“discount period”**, for a rate, means a period of time, decided by the local government, during which the rate must be paid for a discount to be allowed. 4  
5  
6

**“overdue rate”** for— 7

(a) Brisbane City Council—means the unpaid amount of a rate under the *City of Brisbane Act 1924*, section 67(1); or 8  
9

(b) another local government—see section 1016.’. 10

**Amendment of s 967 (Minimum general rate levy) 11**

Clause **75.** Section 967— 12

*insert— 13*

‘(3) A local government must not make and levy a minimum general rate levy for a parcel of land if— 14  
15

(a) the *Valuation of Land Act 1944*, section 25,<sup>5</sup> applies to the parcel; 16  
and 17

(b) under that section, the parcel’s discounted valuation period has not ended.’. 18  
19

**Amendment of s 971 (Special rates and charges) 20**

Clause **76.(1)** Section 971(1)(b)— 21

*omit, insert— 22*

‘(b) in the local government’s opinion— 23

(i) the land, or the occupier of the land, has or will specially benefit from, or has or will have special access to, the service, facility or activity; or 24  
25  
26

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<sup>5</sup> Section 25 (Valuation—discounting for subdivided land)

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- (ii) the occupier of the land, or the use made or to be made of the land, has, or will, specially contribute to the need for the service, facility or activity. 1  
2  
3

*Examples for subsection (1)(b)(i)—* 4

A rural fire services charge to raise funds for a rural fire brigade to purchase or maintain equipment to service only part of the local government's area. 5  
6  
7

A tourism promotion charge levied on land used for businesses that would benefit from tourism promotion in the local government's area. 8  
9  
10

A recreational facilities charge levied over a 2 year period to contribute to the cost of building playground facilities and amenities in a nominated park in part of the local government's area. 11  
12  
13

A cultural centre charge levied over an 8 year period to contribute to the cost of building a centre in part of the local government's area (e.g. 1 of 2 towns in the area), with construction to start within a certain number of years after the charge is first levied. 14  
15  
16  
17

A charge, levied over a 20 year period, to repay a loan for the construction of a drainage system in part of the local government's area, from which some land would commence receiving a benefit in a year and the remainder in a later year of the 20 year period. 18  
19  
20  
21

*Example for subsection (1)(b)(ii)—* 22

An entity that relies on road transport for its business specially contributes to the wear and tear on a local road adjoining its property and is likely to need a higher standard of road than the occupiers of other properties adjoining the road.' 23  
24  
25  
26

(2) Section 971(3), 'in the local government's opinion,' to 'activity.'— 27

*omit, insert—* 28

'in the local government's opinion—' 29

- (a) the land, or the occupier of the land, has or will specially benefit from, or has or will have special access to, the service, facility or activity; or 30  
31  
32

- (b) the occupier of the land, or the use made or to be made of the land, has, or will, specially contribute to the need for the service, facility or activity.' 33  
34  
35

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(3) Section 971(4)— 1

*omit, insert—* 2

‘(4) The local government’s resolution making the special rate or charge must identify— 3  
4

(a) the rateable land to which the rate or charge applies; and 5

(b) the overall plan for the supply of the service, facility or activity. 6

‘(4A) The overall plan must— 7

(a) be adopted by the local government by resolution either before, or at the same time as, the local government first makes the special rate or charge; and 8  
9  
10

(b) identify the rateable land to which the rate or charge applies; and 11

(c) describe the service, facility or activity; and 12

(d) state the estimated cost of implementing the overall plan; and 13

(e) state the estimated time for implementing the overall plan. 14

‘(4B) Under an overall plan, a special rate or charge may be made and levied for 1 or more years before any of the funds received by the local government from the special rate or charge are expended in implementing the plan. 15  
16  
17  
18

‘(4C) If an overall plan will not be implemented within 1 year, the local government must, at or before the budget meeting for each year of the period for implementing the overall plan, by resolution, adopt an annual implementation plan for the year. 19  
20  
21  
22

‘(4D) The local government may, by resolution, at any time, amend an overall plan or an annual implementation plan.<sup>6</sup>. 23  
24

**Insertion of new s 971A** 25

Clause **77.** After section 971— 26

*insert—* 27

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<sup>6</sup> For transitional arrangements for special rates and charges—see section 1233.

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**‘Adjustment of special rates and charges**

‘**971A.(1)** If more funds are received by a local government from a special rate or charge made and levied in a financial year than are expended in carrying out the implementation plan for the year, the local government may carry the unexpended funds forward for expending under an implementation plan in a future financial year.

‘**(2)** A special rate or charge is not invalid merely because a local government made and levied a special rate or charge on land to which section 971(1)(b) did not apply.

‘**(3)** If a local government makes and levies a special rate or charge on land to which section 971(1)(b) does not apply, the local government must return the funds received to the person on whom the special rate or charge was levied.

‘**(4)** If a local government has funds received from a special rate or charge remaining after an overall plan is implemented, or after the local government decides not to fully implement an overall plan, the local government must pay the remaining funds, in the same proportions as the special rate or charge was last levied, to the current owners of the land on which the special rate or charge was levied.’.

**Amendment of s 1008 (Levying rates)**

Clause **78.** Section 1008(2)—

*omit, insert—*

‘**(2)** A local government must state on the rate notice—

(a) the date the rate notice was issued; and

(b) the date by which or the time within which the rate must be paid.

‘**(2B)** The local government may also state on a rate notice amounts, other than rates, that are payable to the local government.

*Example for subsection (2B)—*

Licence fees.’.



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	<b>Amendment of s 1008 (Levying rates)</b>	1
Clause	<b>79.(1)</b> Section 1008—	2
	<i>insert—</i>	3
	‘ <b>(2A)</b> The local government must also state on, or include with, the rate notice—	4
		5
	(a) if the local government has decided 1 or more discount dates or 1 or more discount periods for payment of the rate—the discount or information about how the discount is calculated; and	6
		7
		8
	(b) if the local government has resolved that a rate may be paid by instalments—requirements for payment by instalments.’.	9
		10
	<b>(2)</b> Section 1008—	11
	<i>insert—</i>	12
	‘ <b>(2C)</b> If a local government includes an amount mentioned in subsection (2B) on a rate notice, it must be clear on the face of the rate notice that—	13
		14
		15
	(a) the amount is not a rate; and	16
		17
	(b) payment of the amount, whether before or after any discount date or discount period for a rate mentioned in the notice, does not affect any discount relating to the rate.	18
		19
	‘ <b>(2D)</b> Subsection (2E) applies if—	20
	(a) the local government receives payment of an amount (the “ <b>amount received</b> ”) that is less than the total of all amounts, mentioned on a rate notice (the “ <b>rate notice amounts</b> ”), that are payable to the local government; and	21
		22
		23
		24
	(b) the person who pays the amount received does not specify which of the rate notice amounts the person is intending to pay.	25
		26
	‘ <b>(2E)</b> The local government must use the amount received in payment of the rate notice amounts in the following order—	27
		28
	• overdue rates	29
		30
	• a rate or rates levied by the rate notice	30

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- amounts, other than rates, that are payable to the local government.’. 1  
2

**Amendment of s 1008 (Levying rates)** 3

Clause **80.** Section 1008— 4

*insert—* 5

‘**(4A)** If a person liable to pay a rate has paid the rate before the local government has given the person a rate notice for the period for which the rate is levied, the local government is not required to give the person a rate notice for the period.’. 6  
7  
8  
9

**Replacement of s 1014 (Time within which rates must be paid)** 10

Clause **81.** Section 1014— 11

*omit, insert—* 12

**‘Time within which rates must be paid** 13

‘**1014.(1)** At its budget meeting, a local government must, by resolution, decide the date by which, or the time within which, each rate must be paid. 14  
15

‘**(2)** The date by which, or the time within which, the rate must be paid must be— 16  
17

(a) at least 30 days after the rate notice is issued; and 18

(b) the same date or time for each person liable to pay a rate. 19

‘**(3)** If, under section 1019(4), the local government alters the discount date or discount period for the rate to a date that is after the date by which, or the time within which, the rate must be paid, the local government must, by resolution, alter the date by which, or the time within which, the rate must be paid. 20  
21  
22  
23  
24

‘**(4)** The altered date or time must not be before the discount date, or the last day of the discount period, for the rate.’. 25  
26

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	<b>Replacement of ss 1019–1022</b>	1
Clause	<b>82.</b> Sections 1019 to 1022—	2
	<i>omit, insert—</i>	3
	<b>‘Discount for prompt payment</b>	4
	<b>‘1019.(1)</b> At its budget meeting, a local government may, by resolution, decide to allow a discount for prompt payment of a rate.	5 6
	<b>‘(2)</b> If a local government decides to allow a discount, the local government must decide—	7 8
	(a) whether the discount is to be a fixed amount or a percentage of the rate; and	9 10
	(b) if the discount is to be a fixed amount—the amount; and	11
	(c) if the discount is to be a percentage of the rate—the percentage; and	12 13
	(d) the discount date or discount period for the rate.	14
	<b>‘(3)</b> The discount date or discount period for a rate must not be—	15
	(a) for the discount date—after the date decided by the local government under section 1014 as the date by which the rate must be paid; and	16 17 18
	(b) for the discount period—longer than the time decided by the local government under section 1014 as the time within which the rate must be paid.	19 20 21
	<b>‘(4)</b> The discount date or discount period may be altered by the local government, by resolution, to allow each person liable to pay the rate a greater period of time to pay the rate and be allowed the discount.	22 23 24
	<b>‘(5)</b> If the local government allows a discount for payment of a rate, it must allow the discount to each person liable to pay the rate and who pays the rate by the discount date or within the discount period for the rate.	25 26 27
	<b>‘(6)</b> The local government may allow more than 1 amount of discount or percentage discount for a rate only if the local government—	28 29
	(a) decides more than 1 discount date or discount period for the rate; and	30 31

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- (b) allows a different amount of discount or percentage discount for each discount date or discount period decided. 1  
2

**‘Discount if payment of rates by instalments** 3

‘1020.(1) This section applies to a rate being paid to a local government by instalments. 4  
5

‘(2) At its budget meeting, the local government may decide, by resolution, to allow a discount for payment of an instalment of the rate by the last day of the period for paying the instalment. 6  
7  
8

‘(3) If a local government allows a discount for payment of the instalment, it must allow the discount to each person paying the rate by instalments and who pays an instalment by the day mentioned in subsection (2). 9  
10  
11  
12

**‘Discount if special circumstances prevent prompt payment** 13

‘1021. If a local government is satisfied that a person liable to pay a rate has been prevented, by circumstances beyond the person’s control, from paying the rate in time to benefit from a discount under section 1019 or 1020, the local government may still allow the discount. 14  
15  
16  
17

**‘Discount if other rates are overdue** 18

‘1022. Sections 1019 to 1021 do not apply to a rate paid in full by the discount date or by the end of the discount period if other rates are overdue for the land.’. 19  
20  
21

**Insertion of new s 1030A** 22

Clause 83. In chapter 14, part 5, after section 1030— 23  
*insert—* 24

**‘Land becomes or ceases to be land on which a special rate or charge may be levied** 25  
26

‘1030A.(1) This section applies if land— 27

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- (a) becomes land on which a local government may make and levy a special rate or charge; or 1  
2
- (b) ceases to be land on which a local government may make and levy a special rate or charge. 3  
4

*Example—* 5

The boundaries of a rural fire brigade's area change to include or exclude a parcel of rateable land. 6  
7

‘(2) The special rate or charge may be levied only for the proportion of the relevant period for which the land is land on which the local government may make and levy a special rate or charge.’. 8  
9  
10

**Replacement of new ch 19, pt 1, div 5** 11

Clause **84.** Chapter 19, part 1, division 5— 12

*omit, insert—* 13

**‘PART 2—TRANSITIONAL PROVISION FOR LOCAL  
GOVERNMENT AND OTHER LEGISLATION  
AMENDMENT ACT 1999**

14  
15  
16

**‘Transitional arrangement for special rates and charges** 17

‘**1233.** Despite the commencement of the *Local Government and Other Legislation Amendment Act 1999*, sections 76 and 77, a local government may make a rate or charge under section 971, for the financial year beginning on 1 July 1999, as if sections 76 and 77 had not commenced.’. 18  
19  
20  
21

***Division 6—Other amendments of Local Government Act 1993*** 22

**Amendment of s 90 (Public notice of proposed determination to implement matter)** 23  
24

Clause **85.(1)** Section 90(2)(a)— 25

*omit, insert—* 26

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	‘(a) the general effect of the proposed determination; and’.	1
	(2) Section 90(2)(b), after ‘recommendations’—	2
	<i>insert—</i>	3
	‘on implementation issues for the matter’.	4
	<b>Amendment of s 100 (Notice of proposed determination to implement matter and recommendations)</b>	5 6
Clause	<b>86.(1)</b> Section 100(2)(a)—	7
	<i>omit, insert—</i>	8
	‘(a) the general effect of the proposed determination; and’.	9
	(2) Section 100(2)(b), after ‘recommendations’—	10
	<i>insert—</i>	11
	‘on implementation issues for the matter’.	12
	<b>Amendment of s 220 (General qualifications for membership)</b>	13
Clause	<b>87.</b> Section 220(1), after ‘if the person’—	14
	<i>insert—</i>	15
	‘is an Australian citizen who’.	16
	<b>Amendment of s 242 (Requirements of councillors before acting in office)</b>	17 18
Clause	<b>88.(1)</b> Section 242(1)—	19
	<i>omit, insert—</i>	20
	‘ <b>242.(1)</b> A person elected as a councillor must not act in the office until the person—	21 22
	(a) gives the chief executive officer of the local government a return	23

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in the approved form; <sup>7</sup> and	1
(b) after giving the return, makes a declaration of office.’.	2
(2) Section 242(3), ‘(1)(b)(i)’—	3
<i>omit, insert—</i>	4
‘(1)(a)’.	5
(3) Section 242—	6
<i>insert—</i>	7
‘(3A) Also, if section 427A <sup>8</sup> applies to the person, the return under subsection (1)(a) must state the information mentioned in the section to the extent that the person states the information is readily available when giving the return.’.	8 9 10 11
(4) Section 242(4)—	12
<i>omit, insert—</i>	13
‘(4) The declaration of office for a councillor of Brisbane City Council must be in the following form—	14 15
‘I, ....., having been elected/appointed as a councillor of Brisbane City Council, declare that I will faithfully and impartially fulfil the duties of the office to the best of my judgment and ability.’.	16 17 18
‘(4A) The declaration of office for a councillor of another local government must be in the following form—	19 20
‘I, ....., having been elected/appointed as a councillor of the Council of the City/Town/Shire of ....., declare that I will faithfully and impartially fulfil the duties of the office, including perform the role of a councillor under the <i>Local Government Act 1993</i> , section 229, to the best of my judgment and ability.’.’.	21 22 23 24 25

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<sup>7</sup> For keeping of the return as part of a register that is open to inspection, see section 433 (Registers of electoral gifts).

<sup>8</sup> Section 427A (Gifts to groups of candidates)

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	(5) Section 242(8), ‘(1)(b)(i)’—	1
	<i>omit, insert</i> —	2
	‘(1)(a)’.	3
	<b>Amendment of s 518 (Adoption of budget)</b>	4
Clause	<b>89.</b> Section 518(1), after ‘must’—	5
	<i>insert</i> —	6
	‘, by resolution,’.	7
	<b>Amendment of s 519 (Requirements of budgets)</b>	8
Clause	<b>90.</b> Section 519(3), after ‘may’—	9
	<i>insert</i> —	10
	‘, by resolution,’.	11
	<b>Amendment of s 555 (Public benefit assessments to be undertaken)</b>	12
Clause	<b>91.</b> Section 555(3)—	13
	<i>omit, insert</i> —	14
	‘(3) If a local government acts under subsection (2)—	15
	(a) this chapter, other than sections 556, 558(1) and 564(3), applies,	16
	with all necessary changes, to the activity as if it were a new	17
	type 2 business activity; and	18
	(b) for chapter 11, <sup>9</sup> the activity is taken to be significant business	19
	activity, under this chapter, carried on by a local government	20
	business entity.’.	21

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<sup>9</sup> Chapter 11 (Complaints about competitive neutrality)



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**Amendment of s 598 (Delegation of powers for corporatised corporations)**

Clause	92. Section 598(11), ‘1999’—	1 2 3
	<i>omit, insert—</i>	4
	‘2000’.	5

**Amendment of s 1044 (Reserve price at auction)**

Clause	93. Section 1044(2)—	6 7 8
	<i>omit, insert—</i>	8
	‘(2) The local government may choose a reserve price of at least either—	9
	(a) the market value of the land; or	10
	(b) the higher of the following—	11
	(i) the amount of all overdue rates levied on the land;	12
	(ii) the unimproved value of the land.	13
	‘(3) In this section—	14
	“ <b>improved value</b> ”, for land, means the amount the land and fixed improvements on the land would be worth if—	15 16
	(a) there were an exchange between a willing buyer and a willing seller in an arms-length transaction after proper marketing; and	17 18
	(b) the parties had acted knowledgeably, prudently and without compulsion.	19 20
	“ <b>market value</b> ”, for land, means the higher of 2 valuations of the improved value of the land obtained by the local government from each of 2 registered valuers who are not employees of the local government, in partnership with each other or employed by the same employer.	21 22 23 24
	“ <b>registered valuer</b> ” means a valuer registered under the <i>Valuers Registration Act 1992</i> .’.	25 26

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**Amendment to omit headings following cross references**

Clause **94.(1)** This section applies to a section containing a cross reference to a provision of the Act followed by the heading to the provision in round brackets.

**(2)** The section is amended by omitting the brackets and the words in the brackets.

**PART 6—MINOR AMENDMENTS OF OTHER ACTS**

**Minor amendments—schedule 3**

Clause **95.** An Act mentioned in schedule 3 is amended as shown in the schedule.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

## SCHEDULE 1

1

section 3

2

### AMENDMENTS OF CITY OF BRISBANE ACT 1924

3

#### 1. Section 3A(2)—

4

*omit, insert—*

5

‘(2) The provisions of the Local Government Act that apply to the council include the following—

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- chapter 2, part 1, divisions 2 and 3 and parts 2 and 3
- chapter 3, parts 1 and 3
- chapter 4, part 1, part 3, division 2 and part 4
- chapter 5, part 5
- sections 298 to 300, 302 and 314
- chapter 5, part 8
- chapter 6, part 4
- chapters 8 to 13
- chapter 14, part 1, division 2 and part 7
- chapter 15

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SCHEDULE 1 (continued)

- section 1205 1
  - chapter 19, part 1, divisions 3 and 4.<sup>10</sup>. 2
- 2. Section 17, heading, ‘One vote only’—** 3
- omit.* 4
- 3. Section 25C(2) and (3), headings—** 5
- omit.* 6

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<sup>10</sup> Chapter 2, part 1, divisions 2 (Roles of local governments) and 3 (Jurisdiction of local governments) and parts 2 (Joint local governments) and 3 (Joint action by local governments)  
 Chapter 3, parts 1 (Reviewable local government matters) and 3 (Local Government Grants Commission)  
 Chapter 4, part 1 (Membership of local governments), part 3, division 2 (Obligations of councillors) and part 4 (Vacancies in membership of local governments)  
 Chapter 5, part 5 (Division of local government areas)  
 Sections 298 (Qualification for nomination), 299 (Prohibition of dual candidature), 300 (Leave to local government employee to contest election), 302 (Who may nominate) and 314 (Disposal of deposits generally)  
 Chapter 5, part 8 (Disclosure of election gifts)  
 Chapter 6, part 4 (Enterprises)  
 Chapter 8 (National competition reform of significant business activities)  
 Chapter 9 (Conduct of competitive business activities)  
 Chapter 10 (Reform of certain water and sewerage services)  
 Chapter 11 (Complaints about competitive neutrality)  
 Chapter 12 (Local laws and local law policies)  
 Chapter 13 (Local government infrastructure)  
 Chapter 14, part 1, division 2 (Averaging of valuations) and part 7 (Recovery of rates)  
 Chapter 15 (Provisions aiding local government)  
 Section 1205 (Application of Freedom of Information Act and Judicial Review Act)  
 Chapter 19, part 1, divisions 3 (Local laws and local law policies) and 4 (Anti-competitive provisions of existing local laws and existing local law policies)

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SCHEDULE 1 (continued)

<b>4. Section 36A(4)(b)—</b>	1
<i>omit.</i>	2
<b>5. Section 36A(4)(c)—</b>	3
<i>renumber</i> as section 36A(4)(b).	4
<b>6. Section 36A(9)—</b>	5
<i>omit.</i>	6
<b>7. Section 46(1)(a)—</b>	7
<i>omit, insert—</i>	8
‘(a) \$1 000; or’.	9
<b>8. Section 47(1)(e)(i) and (ii), ‘; and’—</b>	10
<i>omit, insert—</i>	11
‘;’.	12
<b>9. Section 53, from ‘meeting’—</b>	13
<i>omit, insert—</i>	14
‘budget meeting for the financial year.’.	15
<b>10. Section 66(1), ‘the meeting at which its budget is adopted’—</b>	16
<i>omit, insert—</i>	17
‘its budget meeting’.	18
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## SCHEDULE 2

### MINOR AMENDMENTS OF LOCAL GOVERNMENT ACT 1993

section 32

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

**1. Section 3, definition “declaration voter”—**

*omit, insert—*

‘ “**declaration voter**” means a person mentioned in section 343, 344 or 345.<sup>11</sup>’.

**2. Section 9(2)—**

*omit, insert—*

‘(2) The provisions of this Act that apply to Brisbane City Council include the following—

- chapter 2, part 1, divisions 2 and 3 and parts 2 and 3
- chapter 3, parts 1 and 3
- chapter 4, part 1, part 3, division 2 and part 4
- chapter 5, part 5
- sections 298 to 300, 302 and 314
- chapter 5, part 8

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<sup>11</sup> Section 343 (Who may cast a declaration vote), 344 (Who must cast a declaration vote in ordinary elections) or 345 (Declaration voting for postal ballot elections)

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SCHEDULE 2 (continued)

<ul style="list-style-type: none"> <li>• chapter 6, part 4</li> <li>• chapters 8 to 13</li> <li>• chapter 14, part 1, division 2 and part 7</li> <li>• chapter 15</li> <li>• section 1205</li> <li>• chapter 19, part 1, divisions 3 and 4.<sup>12</sup>.</li> </ul>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p>
<p><b>3. Section 11(2) and (3)—</b></p> <p style="padding-left: 20px;"><i>omit, insert—</i></p>	<p>7</p> <p>8</p>

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<sup>12</sup> Chapter 2, part 1, divisions 2 (Roles of local governments) and 3 (Jurisdiction of local governments) and parts 2 (Joint local governments) and 3 (Joint action by local governments)  
 Chapter 3, parts 1 (Reviewable local government matters) and 3 (Local Government Grants Commission)  
 Chapter 4, part 1 (Membership of local governments), part 3, division 2 (Obligations of councillors) and part 4 (Vacancies in membership of local governments)  
 Chapter 5, part 5 (Division of local government areas)  
 Sections 298 (Qualification for nomination), 299 (Prohibition of dual candidature), 300 (Leave to local government employee to contest election), 302 (Who may nominate) and 314 (Disposal of deposits generally)  
 Chapter 5, part 8 (Disclosure of election gifts)  
 Chapter 6, part 4 (Enterprises)  
 Chapter 8 (National competition reform of significant business activities)  
 Chapter 9 (Conduct of competitive business activities)  
 Chapter 10 (Reform of certain water and sewerage services)  
 Chapter 11 (Complaints about competitive neutrality)  
 Chapter 12 (Local laws and local law policies)  
 Chapter 13 (Local government infrastructure)  
 Chapter 14, part 1, division 2 (Averaging of valuations) and part 7 (Recovery of rates)  
 Chapter 15 (Provisions aiding local government)  
 Section 1205 (Application of Freedom of Information Act and Judicial Review Act)  
 Chapter 19, part 1, divisions 3 (Local laws and local law policies) and 4 (Anti-competitive provisions of existing local laws and existing local law policies)

*Local Government and Other Legislation  
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SCHEDULE 2 (continued)

‘(2) The provisions of this Act that apply only to a joint local government include the following—	1 2
• chapter 2, part 2	3
• section 166	4
• chapter 4, part 5	5
• chapter 7, part 10	6
• section 1137(3). <sup>13</sup>	7
‘(3) Other provisions that affect the application of this Act to a joint local government include the following—	8 9
• section 62, definition “local government”	10
• section 64(7) to (9). <sup>14</sup> .	11
<b>4. Section 13(2)—</b>	12
<i>omit, insert—</i>	13
‘(2) The provisions of this Act that apply to an Aboriginal or Torres Strait Islander local government include the following—	14 15
• chapter 2, parts 2 and 3	16
• chapter 3, part 3. <sup>15</sup> .	17

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<sup>13</sup> Chapter 2, part 2 (Joint local governments)  
Section 166 (Abolition of joint local government and its area)  
Chapter 4, part 5 (Membership of joint local governments)  
Chapter 7, part 10 (Joint local governments)  
Section 1137 (Concurrent employment of local government employees)

<sup>14</sup> Section 62 (Definitions for pt 1)  
Section 64 (Meaning of “reviewable local government matter”)

<sup>15</sup> Chapter 2, parts 2 (Joint local governments) and 3 (Joint action by local governments)  
Chapter 3, part 3 (Local Government Grants Commission)



*Local Government and Other Legislation  
Amendment*

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SCHEDULE 2 (continued)

<b>5. Section 136(8)(a), from ‘364(1)’ to ‘day to’ —</b>	1
<i>omit, insert—</i>	2
‘363A(2) or 364(2), the returning officer need not wait until after 8 a.m. on the day before the referendum day or the referendum day to’.	3 4
<b>6. Section 157(4)—</b>	5
<i>omit, insert—</i>	6
‘(4) A regulation under subsection (2)(a) applies despite sections 269 and 270. <sup>16</sup> ’.	7 8
<b>7. Section 220(3)—</b>	9
<i>omit, insert—</i>	10
‘(3) This section is subject to sections 221 and 222.’.	11
<b>8. Section 222(1)—</b>	12
<i>omit, insert—</i>	13
‘222.(1) This section applies if a person is found guilty of an offence against section 242(8), 244, 247, 384, 399, 401(a) or (b) or 436(1) or (2). <sup>17</sup> ’.	14 15 16

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<sup>16</sup> Sections 269 (Date of triennial elections) and 270 (Date of by-elections)

<sup>17</sup> Section 242 (Requirements of councillors before acting in office), 244 (Exclusion from meeting of councillor with material personal interest), 247 (Registers of interests), 384 (False, misleading or incomplete electoral documents), 399 (Influencing voting), 401 (Voting if not entitled) or 436 (Offences about returns)

*Local Government and Other Legislation  
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SCHEDULE 2 (continued)

<b>9. Section 347, heading—</b>	1
<i>omit, insert—</i>	2
<b>‘Distribution of ballot papers to other electors who may or must cast declaration vote’.</b>	3 4
<b>10. Section 347(1), ‘section 343 (Who may cast a declaration vote)’—</b>	5
<i>omit, insert—</i>	6
‘section 343(a) to (f)’.	7
<b>11. Section 350, from ‘347’ to ‘election)’—</b>	8
<i>omit, insert—</i>	9
‘346A, 347 or 349’.	10
<b>12. Section 351, from ‘347’ to ‘election)’—</b>	11
<i>omit, insert—</i>	12
‘346A, 347 or 349’.	13
<b>13. Section 351(1)(d), ‘347(6)’—</b>	14
<i>omit, insert—</i>	15
‘346A(2), 347(6)’.	16
<b>14. Section 352(1), ‘section 343 (Who may cast a declaration vote)’—</b>	17
<i>omit, insert—</i>	18
‘section 343(a) to (f)’.	19

*Local Government and Other Legislation  
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SCHEDULE 2 (continued)

<b>15. Section 356(3), from ‘347’ to election’—</b>	1
<i>omit, insert—</i>	2
‘346A, 347 or 349’.	3
<b>16. Section 357(2)(d)(ii), ‘343’—</b>	4
<i>omit, insert—</i>	5
‘343(a) to (f)’.	6
<b>17. Section 358(2)(d)(ii), ‘343’—</b>	7
<i>omit, insert—</i>	8
‘343(a) to (f)’.	9
<b>18. Section 364, heading—</b>	10
<i>omit, insert—</i>	11
<b>‘Preliminary processing of declaration votes by returning officer—other elections’.</b>	12
	13
<b>19. Section 364(1) to (3)—</b>	14
<i>renumber</i> as section 364(2) to (4).	15
<b>20. Section 364—</b>	16
<i>insert—</i>	17
<b>‘364.(1) This section applies to an election other than an election for which a direction has been given under section 318(2)(a).’.</b>	18
	19

SCHEDULE 2 (continued)

- |   |        |
|---|--------|
| <b>21. Section 365(4)(a), from ‘364(2)’ to ‘officer’ —</b>                                  | 1      |
| <i>omit, insert—</i>  | 2      |
| ‘364(3)’.   | 3      |
| <br><b>22. Sections 383(1), 384, 388, 389(1), 401, 402, 403, 404, 405 and 406, penalty—</b> | <br>4  |
| <i>omit, insert—</i>  | 5      |
| ‘Maximum penalty—20 penalty units or 6 months imprisonment.’.                               | 6      |
|   | 7      |
| <br><b>23. Sections 385, 386 and 399, penalty—</b>  | <br>8  |
| <i>omit, insert—</i>  | 9      |
| ‘Maximum penalty—85 penalty units or 2 years imprisonment.’.                                | 10     |
| <br><b>24. Section 387, penalty—</b>  | <br>11 |
| <i>omit, insert—</i>  | 12     |
| ‘Maximum penalty—35 penalty units or 1 year’s imprisonment.’.                               | 13     |
| <br><b>25. Section 389(2), penalty—</b>   | <br>14 |
| <i>omit, insert—</i>  | 15     |
| ‘Maximum penalty for subsection (2)—20 penalty units.’.                                     | 16     |
| <br><b>26. Section 414, definition “disclosure period”, paragraph (b)—</b>                  | <br>17 |
| <i>omit, insert—</i>  | 18     |

*Local Government and Other Legislation  
Amendment*

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SCHEDULE 2 (continued)

- ‘(b) for section 427A<sup>18</sup>—see section 423A; and 1
- (c) for section 430<sup>19</sup>—see section 424.’. 2
- 27. Section 414, definition “prescribed amount”, paragraph (a)— 3**  
*omit, insert— 4*  
‘(a) in sections 427(2)(b)(iii), 427A(2)(e) and 428(1)<sup>20</sup>—\$200; or’. 5
- 28. Chapter 5, part 8, division 2, subdivision 2, heading— 6**  
*omit, insert— 7*  
‘*Subdivision 2—Disclosure period for groups of candidates and third 8  
parties for elections*’. 9
- 29. Section 423, ‘section 430’— 10**  
*omit, insert— 11*  
‘sections 427A and 430<sup>21</sup>’. 12
- 30. Section 424(a), from ‘local governments’— 13**  
*omit, insert— 14*  
‘the relevant local government under the section; and’. 15

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<sup>18</sup> Section 427A (Gifts to groups of candidates)

<sup>19</sup> Section 430 (Gifts for third party expenditure for political purposes)

<sup>20</sup> Sections 427 (Gifts to candidates), 427A (Gifts to groups of candidates) and 428 (Certain gifts not to be received)

<sup>21</sup> Sections 427A (Gifts to groups of candidates) and 430 (Gifts for third party expenditure for political purposes)

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SCHEDULE 2 (continued)

<b>31. Section 425, heading—</b>	1
<i>omit, insert—</i>	2
<b>‘Transitional provisions for disclosure periods starting before January 1997’.</b>	3 4
<b>32. Section 425(2), ‘subdivision’—</b>	5
<i>omit, insert—</i>	6
‘section’.	7
<b>33. Chapter 5, part 8, division 3, subdivision 1, heading—</b>	8
<i>omit, insert—</i>	9
<i>‘Subdivision 1—Preliminary’.</i>	10
<b>34. Before section 427—</b>	11
<i>insert—</i>	12
<i>‘Subdivision 1A—Disclosure by candidates for elections’.</i>	13
<b>35. Section 477(2)—</b>	14
<i>omit, insert—</i>	15
‘(2) The relevant provisions are chapter 5, parts 2, 3 and 6 and section 282. <sup>22</sup> ’.	16 17

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<sup>22</sup> Chapter 5, parts 2 (Returning officers), 3 (Voters roll) and 6 (Conduct of elections) and section 282 (Compulsory voting)

*Local Government and Other Legislation  
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SCHEDULE 2 (continued)

<b>36. Section 484(3)</b>	1
<i>omit, insert—</i>	2
‘(3) This section applies subject to sections 486 and 489.’.	3
<b>37. Section 891(3), ‘A resolution under subsection (2)’—</b>	4
<i>omit, insert—</i>	5
‘A contrary resolution’.	6
<b>38. Section 1029(1)—</b>	7
<i>omit, insert—</i>	8
‘ <b>1029.(1)</b> This section applies if land is included in a rating category under section 986, 990 or 992.’.	9 10
<b>39. Section 1035(1)—</b>	11
<i>omit, insert—</i>	12
‘ <b>1035.(1)</b> This section applies to a power under section 1031, 1032 or 1034.’.	13 14
<b>40. Section 1041(2)(b)—</b>	15
<i>omit, insert—</i>	16
‘(b) the provisions, or a general outline of the provisions, of sections 1042 to 1047.’.	17 18
<b>41. Section 1075(1)—</b>	19
<i>omit, insert—</i>	20
‘ <b>1075.(1)</b> This section applies to an offence against section 1073 or 1074.’.	21 22

*Local Government and Other Legislation  
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SCHEDULE 2 (continued)

<b>42. Section 1102(1)—</b>	1
<i>omit, insert—</i>	2
‘ <b>1102.(1)</b> This section applies to an authorised person who enters a place under division 4, 6 or 7. <sup>23</sup> ’.	3 4
<b>43. Section 1213(1), ‘chapter 8 (Local laws and local law policies)’—</b>	5
<i>omit, insert—</i>	6
‘chapter 12’.	7
<b>44. Section 1213(2), ‘chapter 8’—</b>	8
<i>omit, insert—</i>	9
‘chapter 12’.	10
 <b>PART 2—AMENDMENTS OF LOCAL GOVERNMENT ACT 1993 COMMENCING ON 1 JANUARY 2000</b>	 11 12
 <b>1. Sections 3, definitions “certified copy” and “State interest”, 29, 163, 848(3), examples 1 and 2, 854, 876, 877, 878, 879, 880(2)(a), 881, 882, 883, 884, 885, 886, 887, 888, 889(2), example, 891, 894, 896A, 897, 897A, 898, 899, 1218, 1219, definitions “anti-competitive provision” and “public interest test”, 1223, 1226, 1228, 1229 and 1232(1) and (2), ‘local law policy’—</b>	 13 14 15 16 17 18
<i>omit, insert—</i>	19
‘subordinate local law’.	20

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<sup>23</sup> Divisions 4 (Investigations about offences), 6 (Monitoring authorisations and notices and processing applications) and 7 (Approved inspection programs)



SCHEDULE 2 (continued)

<b>2. Section 3, definition “consultation period”, paragraph (b)—</b>	1
<i>omit, insert—</i>	2
‘(b) for a subordinate local law—means the period mentioned in section 878. <sup>24</sup> ’.	3 4
<b>3. Section 3, definition “local law policy”—</b>	5
<i>omit.</i>	6
<b>4. Section 3—</b>	7
<i>insert—</i>	8
‘“subordinate local law” see section 853.’.	9
<b>5. Section 163, heading, ‘local law policies etc.’—</b>	10
<i>omit, insert—</i>	11
‘subordinate local laws etc.’.	12
<b>6. Sections 165, 848(3), 884, 893(a), 895(1), 1220(1), 1221(a) and 1231(a), ‘local law policies’—</b>	13 14
<i>omit, insert—</i>	15
‘subordinate local laws’.	16
<b>7. Chapter 12, heading and chapter 12, parts 2 to 4, headings, ‘LOCAL LAW POLICIES’—</b>	17 18
<i>omit, insert—</i>	19
‘SUBORDINATE LOCAL LAWS’.	20

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<sup>24</sup> Section 878 (Step 2—consult with public about proposed subordinate local law)

SCHEDULE 2 (continued)

<b>8. Sections 854, 886, 897A, 898 and 1220, headings, ‘local law policies’—</b>	1 2
<i>omit, insert—</i>	3
<b>‘subordinate local laws’.</b>	4
<b>9. Sections 854(2) and 887, ‘or policy’—</b>	5
<i>omit, insert—</i>	6
<b>‘or subordinate local law’.</b>	7
<b>10. Chapter 12, part 2, division 4, heading—</b>	8
<i>omit, insert—</i>	9
<b><i>‘Division 4—Making subordinate local laws’.</i></b>	10
<b>11. Section 876, heading—</b>	11
<i>omit, insert—</i>	12
<b>‘Subordinate local law process’.</b>	13
<b>12. Section 876(2), ‘purported policy’—</b>	14
<i>omit, insert—</i>	15
<b>‘purported subordinate local law’.</b>	16
<b>13. Sections 878, 879, 881 and 882, headings, ‘policy’—</b>	17
<i>omit, insert—</i>	18
<b>‘subordinate local law’.</b>	19

SCHEDULE 2 (continued)

<b>14. Sections 878(5)(c)(i), 881(4), 882(2)(a), (4)(b) and (5) and 883, ‘the policy’—</b>	1 2
<i>omit, insert—</i>	3
‘the subordinate local law’.	4
<b>15. Section 877, 883, 887, 897 and 899, headings, ‘local law policy’—</b>	5
<i>omit, insert—</i>	6
‘subordinate local law’.	7
<b>16. Section 883(1), ‘(the “policy”)’—</b>	8
<i>omit.</i>	9
<b>17. Chapter 12, part 2, division 5, heading and chapter 19, part 1, division 4 and division 4, subdivision 2, headings, ‘local law policies’—</b>	10 11
<i>omit, insert—</i>	12
‘ <i>subordinate local laws</i> ’.	13
<b>18. Section 894, heading, ‘Laws and policies’—</b>	14
<i>omit, insert—</i>	15
‘Local laws and subordinate local laws’.	16
<b>19. Section 895, heading—</b>	17
<i>omit, insert—</i>	18
‘Subordinate local law register’.	19

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SCHEDULE 2 (continued)

- 20. Section 1219, definition “existing local law policy”—** 1
- omit, insert—* 2
- ‘ **“existing subordinate local law”** means a subordinate local law to 3  
which, under section 1218, this division applies.’. 4
- 21. Section 1232(3)(b)—** 5
- omit, insert—* 6
- ‘(b) references to an **“existing subordinate local law”** mean the 7  
subordinate local law to which the division is being applied under 8  
this section; and’ 9
- 10

<b>SCHEDULE 3</b>	1
<b>MINOR AMENDMENTS OF OTHER ACTS</b>	2
<b>section 95</b>	3
<b>PART 1—AMENDMENTS OF ACTS COMMENCING ON ASSENT</b>	4 5
<b>INTEGRATED RESORT DEVELOPMENT ACT 1987</b>	6
<b>1. Section 65(1)—</b>	7
<i>omit, insert—</i>	8
‘ <b>65.(1)</b> The <i>Building Units and Group Titles Act 1980</i> , section 10(1B) and (6)(b), <sup>25</sup> does not apply to a subdivision under this division.’	9 10
<b>2. Section 116(5)—</b>	11
<i>omit.</i>	12
<b>3. Section 151(5)—</b>	13
<i>omit.</i>	14

---

<sup>25</sup> *Building Units and Group Titles Act 1980*, section 10 (Resubdivision)

SCHEDULE 3 (continued)

**MIXED USE DEVELOPMENT ACT 1993**

- |   |  |
|---|--|
| <b>1. Sections 3, definition “plan of development”, 8(2), 28, 29, 30, 31(1), 32, 33(2)(d), 34, 35(6), 38(2)(d), 39, 40(1) and (4), 41, 42(4), 43, 45, 46, 47(1), 48, 49(3)(d), 50, 51, 52, 53(7), 55(1) and (3)(d), 56, 62(1), 63(1), 64(1) and (2)(b), 65(1)(c), 67(2)(a), 68, 69(b), 71(2)(a), 72, 73(1)(b), 76(2)(a), 77, 79(1), 80, 81(1), 82(1)(a), 83(4), 86, 87, 88(1)(b), 90(2)(a), 91, 92, 94, 95, 96(1)(b), 99(2), 100, 101(3), 102, 103(1), 104(1)(a), 105(4), 111, 112(2) to (4), 113(1), 118, 119, 122(1), 125(2), 131(3), 133(1)(d), 134(1), 136, 138(5) and (6), 140(4) and (7), 150(3), 152, 158, 161(3)(a) and (5), 165(4), 175(1)(a), 190(3)(b), 215(1), ‘local authority’—</b> | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11 |
| <i>omit, insert—</i>  | 12   |
| ‘local government’.   | 13   |
| <b>2. Sections 32(3)(a) and (4), 48(3)(a) and (4), 65(2), 73(2), 81(2), 88(2), 96(2), 103(2), 113(2), 136(6), 161(3)(b), ‘local authority’s’—</b>   | 14<br>15   |
| <i>omit, insert—</i>  | 16   |
| ‘local government’s’.   | 17   |
| <b>3. Section 82(2)—</b>  | 18   |
| <i>omit, insert—</i>  | 19   |
| ‘(2) The <i>Building Units and Group Titles Act 1980</i> , section 10(1A), <sup>26</sup> does not apply to a subdivision by a building units plan mentioned in subsection (1).’.  | 20<br>21<br>22                                   |

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<sup>26</sup> *Building Units and Group Titles Act 1980*, section 10 (Resubdivision)

SCHEDULE 3 (continued)

<b>4. Section 85(1)(a)—</b>	1
<i>omit, insert—</i>	2
‘(a) section 10(1B);’.	3
<b>5. Section 104(2)—</b>	4
<i>omit, insert—</i>	5
‘(2) The <i>Building Units and Group Titles Act 1980</i> , section 10(1A), <sup>27</sup> does not apply to a subdivision by a building units plan mentioned in subsection (1).’.	6 7 8
<b>6. Section 107(1)(a)—</b>	9
<i>omit, insert—</i>	10
‘(a) section 10(1B);’.	11
<b>7. Section 153(1), ‘<i>Motor Vehicles Insurance Act 1936</i>’—</b>	12
<i>omit, insert—</i>	13
‘ <i>Motor Accident Insurance Act 1994</i> ’.	14
<b>8. Section 214, ‘<i>Fire Service Act 1990</i>’—</b>	15
<i>omit, insert—</i>	16
‘ <i>Fire and Rescue Authority Act 1990</i> ’.	17

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<sup>27</sup> *Building Units and Group Titles Act 1980*, section 10 (Resubdivision)

SCHEDULE 3 (continued)

**SANCTUARY COVE RESORT ACT 1985**

- |   |    |
|---|----|
| <b>1. Section 15(3)(a), from ‘first proviso’ to ‘shall’—</b>  | 1  |
| <i>omit, insert—</i>  | 2  |
| ‘the <i>Building Units and Group Titles Act 1980</i> , section 10(1A), <sup>28</sup> does’.   | 3  |
| <b>2. Section 15(6)—</b>  | 4  |
| <i>omit, insert—</i>  | 5  |
| ‘ <b>(6)</b> The <i>Building Units and Group Titles Act 1980</i> , section 10(1B) and (6)(b), <sup>29</sup> does not apply to a subdivision under this section.’. | 6  |
| <b>3. Section 23(5), ‘Companies (Queensland) Code’—</b>   | 7  |
| <i>omit, insert—</i>  | 8  |
| ‘Corporations Law’.   | 9  |
| <b>4. Section 33(5)—</b>  | 10 |
| <i>omit.</i>  | 11 |
| <b>5. Section 35(3)(b), ‘be’—</b>   | 12 |
| <i>omit, insert—</i>  | 13 |
| ‘the person’.   | 14 |

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<sup>28</sup> *Building Units and Group Titles Act 1980*, section 10 (Resubdivision)

<sup>29</sup> *Building Units and Group Titles Act 1980*, section 10 (Resubdivision)



SCHEDULE 3 (continued)

<b>6. Section 53, heading—</b>	1
<i>omit, insert—</i>	2
<b>‘Thoroughfares are roads’.</b>	3
 <b>7. Section 53, ‘<i>Motor Vehicles Insurance Act 1936</i>’—</b>	 4
<i>omit, insert—</i>	5
<i>‘Motor Accident Insurance Act 1994’.</i>	6
 <b>8. Section 53, from ‘shall be’—</b>	 7
<i>omit, insert—</i>	8
<i>‘are roads.’.</i>	9
 <b>9. Section 77(5)—</b>	 10
<i>omit.</i>	11
 <b>10. Schedule A, definition “liquid fuel depot”, from ‘in accordance with’—</b>	 12 13
<i>omit, insert—</i>	14
<i>‘under the <i>Building Act 1975</i>.’.</i>	15

SCHEDULE 3 (continued)

**PART 2—AMENDMENTS OF ACTS COMMENCING  
ON 1 JANUARY 2000** 1  
2

**ACTS INTERPRETATION ACT 1954** 3

**1. Section 36, definition “local law policy”—** 4  
*omit.* 5

**2. Section 36—** 6  
*insert—* 7

‘ “**subordinate local law**” means a subordinate local law made by a local 8  
government.’. 9

**STATUTORY INSTRUMENTS ACT 1992** 10

**1. Section 7(3), ‘• a local law policy’—** 11  
*omit, insert—* 12

‘ • a subordinate local law’. 13

14