

Queensland



**LOCAL GOVERNMENT AND
OTHER LEGISLATION
AMENDMENT BILL (No. 2)
1999**

Queensland



**LOCAL GOVERNMENT AND OTHER
LEGISLATION AMENDMENT BILL
(No. 2) 1999**

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1999

A BILL

FOR

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

*Local Government and Other Legislation
Amendment (No. 2)*

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 (No. 2) 1999*.

4

5

Commencement

6

Clause **2.(1)** Sections 3 and 14 are taken to have commenced on 16 June 1999.

7

(2) Section 43 commences on 1 January 2000.

8

(3) Section 4 commences on 25 March 2000.

9

(4) Section 44 commences on 30 March 2000.

10

(5) Section 12 commences on 1 June 2000.

11

(6) Section 46 commences on a day to be fixed by proclamation.

12

(7) The remaining provisions commence on assent.

13

**PART 2—AMENDMENT OF LOCAL GOVERNMENT
ACT 1993**

14

15

Act amended in pt 2

16

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

17

*Local Government and Other Legislation
Amendment (No. 2)*

Amendment of s 222 (Disqualification and vacation of office for certain offences)

		1
		2
Clause	4.(1) Section 222(1), ‘found guilty’—	3
	<i>omit, insert—</i>	4
	‘convicted’.	5
	(2) Section 222(2), ‘3’—	6
	<i>omit, insert—</i>	7
	‘4’.	8
	(3) Section 222—	9
	<i>insert—</i>	10
	‘(4) In this section—	11
	“ conviction ” includes a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.’.	12 13

Replacement of s 266 (Triennial elections)

		14
Clause	5. Section 266—	15
	<i>omit, insert—</i>	16
	‘Quadrennial elections	17
	‘266. Councillors of a local government are to be elected once every 4 years.’.	18 19

Replacement of s 269 (Date of triennial elections)

		20
Clause	6. Section 269—	21
	<i>omit, insert—</i>	22
	‘Date of quadrennial elections	23
	‘269.(1) A quadrennial election must be held in, and every fourth year after, 2000.	24 25

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- ‘(2) A quadrennial election must be held on the last Saturday in March. 1
‘(3) However, a regulation may fix a different date for a particular year.’. 2

Amendment of s 419 (Disclosure period for candidates at previous elections) 3
4

- Clause 7. Section 419(4), definition “**relevant period**”, ‘4’ — 5
omit, insert— 6
‘5’. 7

Amendment of s 425 (Transitional provisions for disclosure periods starting before January 1997) 8
9

- Clause 8. Section 425(2), ‘January’ — 10
omit, insert— 11
‘March’. 12

Amendment of s 425B (Expiry of sdiv 3) 13

- Clause 9. Section 425B, ‘January’ — 14
omit, insert— 15
‘July’. 16

Amendment of s 437 (Records to be kept) 17

- Clause 10. Section 437(1), ‘4’ — 18
omit, insert— 19
‘5’. 20

Amendment of s 438 (Obtaining of information and completion of returns) 21
22

- Clause 11. Section 438(4), ‘4’ — 23

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	<i>omit, insert—</i>	1
	‘5’.	2
	Amendment of s 505 (Period of corporate plan)	3
Clause	12. Section 505(2), ‘3’—	4
	<i>omit, insert—</i>	5
	‘4’.	6
	Amendment of s 534 (Content of report about other issues of public interest)	7
		8
Clause	13. Section 534(i)—	9
	<i>omit, insert—</i>	10
	‘(i) a statement including the information prescribed under a regulation about its activities during the year to implement its plan for equal opportunity in employment; and’.	11
		12
		13
	Amendment of s 1233 (Transitional arrangement for special rates and charges)	14
		15
Clause	14. Section 1233, ‘sections 76 and 77’—	16
	<i>omit, insert—</i>	17
	‘sections 79 and 80’.	18
	Insertion of new s 1235	19
Clause	15. After section 1233—	20
	<i>insert—</i>	21
	‘Expiry of pt 2	22
	‘ 1235. This part expires on 1 July 2000.’.	23

*Local Government and Other Legislation
Amendment (No. 2)*

	Insertion of new ch 19, pt 3	1
Clause	16. After section 1235—	2
	<i>insert—</i>	3
	‘PART 3—TRANSITIONAL PROVISIONS FOR LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT ACT (No. 2) 1999	4 5 6
	<i>‘Division 1—Transitional provisions about elections</i>	7
	‘Definition for div 1	8
	‘1236. In this division—	9
	“amended” , for a section, means the section as amended by the <i>Local Government and Other Legislation Amendment Act (No. 2) 1999.</i>	10 11
	‘Transitional provisions for councillors’ terms of office	12
	‘1237.(1) Subsection (2) applies to a councillor of a local government elected at the 1997 triennial elections.	13 14
	‘(2) The reference in amended section 227(1) to the quadrennial election at which the councillor is elected is taken to be a reference to the 1997 triennial elections.	15 16 17
	‘(3) Subsections (4) and (5) apply to a councillor elected at a fresh election for the Cairns or Ipswich City Council held under the <i>Local Government (Cairns, Douglas, Mareeba and Mulgrave) Regulation 1994</i> or <i>Local Government (Brisbane, Esk, Ipswich, Logan and Moreton) Regulation 1994.</i>	18 19 20 21 22
	‘(4) The reference in amended section 227(3)(a) to the next quadrennial elections is taken to be a reference to the 1997 triennial elections.	23 24
	‘(5) The reference in the regulations to the 2000 triennial elections is taken to be a reference to the 2000 quadrennial elections.	25 26

*Local Government and Other Legislation
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‘Transitional provision for disclosure periods

‘**1238.** For the 2000 quadrennial elections, the reference in amended section 424 to the conclusion of the immediately preceding quadrennial elections is taken to be a reference to the 1997 triennial elections.

‘Expiry of div 1

‘**1239.** This division expires on 1 August 2000.

‘Division 2—Other transitional provisions

‘Transitional provision for records and returns

‘**1240.** Despite sections 437(1) and 438(4), the period mentioned in the sections for keeping records for, and making returns about, an election is taken to be 4 years for an election held before the 2000 quadrennial elections.

‘Division 3—Expiry

‘Expiry of pt 3

‘**1241.** This part expires on 1 March 2003.’.

**PART 3—AMENDMENT OF CITY OF BRISBANE
ACT 1924**

Act amended in pt 3

Clause **17.** This part amends the *City of Brisbane Act 1924*.

*Local Government and Other Legislation
Amendment (No. 2)*

	Amendment of s 13 (Election of mayor)	1
Clause	18. Section 13, ‘triennial’—	2
	<i>omit, insert—</i>	3
	‘quadrennial’.	4
	Replacement of s 16 (Triennial elections)	5
Clause	19. Section 16—	6
	<i>omit, insert—</i>	7
	‘Quadrennial elections	8
	‘ 16.(1) A quadrennial election of councillors must be held in, and every fourth year after, 2000.	9
	‘ (2) A quadrennial election must be held on the last Saturday in March.	11
	‘ (3) However, a regulation may fix a different date for a particular year.’.	12
	Insertion of new s 136	13
Clause	20. After section 135—	14
	<i>insert—</i>	15
	‘Transitional provision for 2000 quadrennial election	16
	‘ 136.(1) This section applies if the deputy mayor appointed at the first meeting after the 1997 triennial elections holds that office on the commencement of this section.	17
		18
		19
	‘ (2) For the deputy mayor, the reference in amended section 24 to the appointment of a deputy mayor at the first meeting after each quadrennial election is taken to be a reference to the deputy mayor’s appointment mentioned in subsection (1).	20
		21
		22
		23
	‘ (3) This section expires on 1 July 2000.	24
	‘ (4) In this section—	25
	“amended section 24” means section 24 as amended by the <i>Local Government and Other Legislation Amendment Act (No. 2) 1999</i> .’.	26
		27

*Local Government and Other Legislation
Amendment (No. 2)*

**PART 4—AMENDMENTS OF COASTAL
PROTECTION AND MANAGEMENT ACT 1995**

	1
	2
Act amended in pt 4	3
Clause 21. This part amends the <i>Coastal Protection and Management Act 1995</i> .	4
Amendment of s 26 (Content of State plan)	5
Clause 22. Section 26(3)—	6
<i>omit.</i>	7
Amendment of s 29 (Approval of final State plan)	8
Clause 23. Section 29, ‘is subordinate legislation and’—	9
<i>omit.</i>	10
Amendment of s 30 (Regional plans may be prepared)	11
Clause 24. Section 30, heading—	12
<i>omit, insert—</i>	13
‘Regional plans must be prepared’.	14
Amendment of s 31 (Content of regional plans)	15
Clause 25.(1) Section 31(1), ‘show’—	16
<i>omit, insert—</i>	17
‘identify’.	18
(2) Section 31(4)—	19
<i>omit.</i>	20

*Local Government and Other Legislation
Amendment (No. 2)*

	Amendment of s 35 (Submissions to be considered when preparing final regional plan)	1 2
Clause	26. Section 35(2)(b) and (c)—	3
	<i>omit, insert—</i>	4
	‘(b) if the person is an owner of land in a control district identified in the final regional plan—the reason why the land is to be included in the district; and	5 6 7
	(c) if a coastal building line is to be fixed for the district that affects the owner’s land—the reason for fixing the line.’.	8 9
	Amendment of s 36 (Approval of final regional plan)	10
Clause	27. Section 36, ‘is subordinate legislation and’—	11
	<i>omit.</i>	12
	Amendment of s 41 (Submissions to be considered when preparing final coastal plan)	13 14
Clause	28. Section 41(3)(b) and (c)—	15
	<i>omit, insert—</i>	16
	‘(b) if the person is an owner of land in a control district identified in the final regional plan—the reason why the land is to be included in the district; and	17 18 19
	(c) if a coastal building line is to be fixed for the district that affects the owner’s land—the reason for fixing the line.’.	20 21
	Amendment of s 42 (Approval of final coastal plan)	22
Clause	29. Section 42, ‘is subordinate legislation and’—	23
	<i>omit.</i>	24

*Local Government and Other Legislation
Amendment (No. 2)*

	Insertion of new ss 43A and 43B	1
Clause	30. After section 43—	2
	<i>insert—</i>	3
	‘Effect of coastal plans	4
	‘43A. Coastal plans are statutory instruments under the <i>Statutory Instruments Act 1992</i> .	5 6
	‘Relationship of coastal plans with Integrated Planning Act 1997	7
	‘43B.(1) The assessment manager, or a referral agency, for a development application under the <i>Integrated Planning Act 1997</i> must assess the application as if a relevant coastal plan were a State planning policy under that Act.	8 9 10 11
	‘(2) Also, the following provisions of the <i>Integrated Planning Act 1997</i> apply as if a coastal plan were a State planning policy—	12 13
	(a) section 2.1.4;	14
	(b) schedule 1, section 18;	15
	(c) schedule 6, section 2. ¹ .	16
	Replacement of s 44 (Amendment of coastal plans)	17
Clause	31. Section 44—	18
	<i>omit, insert—</i>	19
	‘Amendment of coastal plans	20
	‘44.(1) A coastal plan may be amended by a later coastal plan only if the procedures applying to the preparation and approval of the plan under this part are followed for the later plan.	21 22 23

¹ The *Integrated Planning Act 1997*, section 2.1.4, schedule 1, section 18 and schedule 6, section 2, make provision about State interests in relation to planning schemes and designation of land for community infrastructure.

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‘(2) However, if the later plan is a regional plan, sections 32 and 33² do not apply to the preparation and approval of the plan. 1
2

‘(3) Also, subsection (1) does not apply to the amendment of a coastal plan to make a minor amendment to a coastal plan to— 3
4

(a) correct an error in the plan; or 5

(b) make a change, other than a change of substance, in the plan; or 6

(c) if the plan provides that an amendment of a stated type may be made to the plan by amendment under this subsection—make an amendment of that type.’. 7
8
9

Amendment of s 47 (Declaration of control districts) 10

Clause **32.(1)** Section 47(1)(a)— 11

omit, insert— 12

‘(a) if the area is covered by a regional coastal plan—a regulation giving effect to the plan; or’ 13
14

(2) Section 47(7)— 15

omit, insert— 16

‘(7) The chief executive must give public notice of the declaration of a control district. 17
18

‘(8) The notice must be published in a newspaper circulating generally throughout the control district.’. 19
20

**Amendment of s 50 (Notice declaring, changing or abolishing control district) 21
22**

Clause **33.** Section 50(1), after ‘regulation’— 23

insert— 24

‘, under section 47(1)(b),’. 25

² Sections 32 (Public notice of proposal to prepare draft regional plan) and 33 (Preparation of draft regional plan)

*Local Government and Other Legislation
Amendment (No. 2)*

Amendment of s 51 (Amendment, amalgamation and abolition of control districts)

- | | | |
|--------|---|---|
| Clause | 34. Section 51(1), after ‘regulation’— | 1 |
| | <i>insert—</i> | 2 |
| | ‘made under section 47(1)(b)’. | 3 |
| | | 4 |
| | | 5 |

Amendment of s 59 (Coastal building line)

- | | | |
|--------|---|---|
| Clause | 35. Section 59(1), ‘regional plan,’— | 6 |
| | <i>omit.</i> | 7 |
| | | 8 |

Amendment of sch 2 (Dictionary)

- | | | |
|--------|--|----|
| Clause | 36.(1) Schedule 2, definition “ regional plan ”, after ‘division 2’— | 9 |
| | <i>insert—</i> | 10 |
| | ‘or 3’. | 11 |
| | (2) Schedule 2, definition “ State plan ”, after ‘division 1’— | 12 |
| | <i>insert—</i> | 13 |
| | ‘or 3’. | 14 |
| | | 15 |

**PART 5—ENVIRONMENTAL AND OTHER
LEGISLATION AMENDMENT ACT 1997**

Act amended in pt 5

- | | | |
|--------|---|----|
| Clause | 37. This part amends the <i>Environmental and Other Legislation Amendment Act 1997</i> . | 16 |
| | | 17 |
| | | 18 |
| | | 19 |
| | | 20 |

*Local Government and Other Legislation
Amendment (No. 2)*

	Amendment of s 2 (Commencement)	1
Clause	38.(1) Section 2, after ‘Act’—	2
	<i>insert—</i>	3
	‘, other than section 20.’.	4
	(2) Section 2—	5
	<i>insert—</i>	6
	‘(2) Section 20 commences on 1 June 2001.’.	7
	 PART 6—AMENDMENT OF INTEGRATED PLANNING ACT 1997	8 9
	Act amended in pt 6	10
Clause	39. This part amends the <i>Integrated Planning Act 1997</i> .	11
	Amendment of s 1.1.2 (Commencement)	12
Clause	40.(1) Section 1.1.2, after ‘Act’—	13
	<i>insert—</i>	14
	‘, other than chapter 2, part 2, division 2 and chapter 5, part 6.’.	15
	(2) Section 1.1.2—	16
	<i>insert—</i>	17
	‘(2) Chapter 2, part 2, division 2 commences on 1 January 2001.	18
	‘(3) Chapter 5, part 6 commences on 31 March 2000.’.	19
	Amendment of s 2.6.3 (Designator must consider major environmental effects)	20 21
Clause	41.(1) Section 2.6.3(1)(a), after ‘infrastructure’—	22

*Local Government and Other Legislation
Amendment (No. 2)*

insert—

‘that is not a significant project within the meaning of the *State Development and Public Works Organisation Act 1971*, section 29.’.

(2) Section 2.6.3(2), ‘section 29(2)’—

omit, insert—

‘section 29A(2)’.

(3) Section 2.6.3—

insert—

‘(3) This section expires on 30 March 2000.’.

Amendment of s 2.6.8 (Minister may proceed straight to designation in certain circumstances)

Clause 42.(1) Section 2.6.8, ‘section 29’—

omit, insert—

‘part 4’.³

(2) Section 2.6.8, ‘that section’—

omit—

‘that part’.

Insertion of new s 6.1.10A

Clause 43. After section 6.1.10—

insert—

‘Zoning of closed roads under transitional planning schemes

‘6.1.10A.(1) This section applies if—

³ *State Development and Public Works Organization Act 1971*, part 4 (Environmental coordination)

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- (a) a transitional planning scheme under chapter 6, part 1 is in force in a local government's area, or part of a local government's area; and
- (b) a road, or part of a road, in the area for which the planning scheme is in force is closed or proposed to be closed; and
- (c) the Governor in Council is satisfied—
 - (i) the land comprising the road or part of the road should be included in a zone consistent with the zoning of adjoining lands under the planning scheme; and
 - (ii) the proposed zoning would not substantially affect the public in an adverse way; and
 - (iii) the local government has agreed in writing to the Governor in Council acting under this section.

‘(2) The Governor in Council may, by gazette notice, zone the land in the way stated in the notice.

‘(3) The notice takes effect—

- (a) if the road has been closed—on gazettal of the notice; or
- (b) if the road has not been closed—on the closure of the road.

‘(4) When the notice takes effect, the planning scheme is taken to have been amended in the way stated in the notice as if the process stated in schedule 1 for amending a planning scheme had been followed.’

Amendment of s 6.1.35C (Applications requiring referral coordination)

- Clause **44.(1)** Section 6.1.35C(1)(b)—
omit, insert—
‘(b) prescribed under a regulation.’
- (2)** Section 6.1.35C(4) and (5)—
omit.

*Local Government and Other Legislation
Amendment (No. 2)*

	Amendment of sch 8 (Assessable, self-assessable and exempt development)	1
		2
Clause	45.(1) Schedule 8, part 1, items 2 and 5—	3
	<i>omit.</i>	4
	(2) Schedule 8, part 1, item 3—	5
	<i>omit, insert—</i>	6
	‘3. Carrying out operational work for the reconfiguration of a lot, if the reconfiguration is also assessable development.’	7
		8
	(3) Schedule 8, part 2, item 8—	9
	<i>omit.</i>	10
	Amendment of sch 10 (Dictionary)	11
Clause	46. Schedule 10, definition “ local government area ”—	12
	<i>omit, insert—</i>	13
	‘ “local government area” means a part of the State—	14
	(a) established as a local government area under the <i>Local Government Act 1993</i> ; or	15
		16
	(b) declared to be a council area under the <i>Community Services (Aborigines) Act 1984</i> or the <i>Community Services (Torres Strait) Act 1984</i> .’	17
		18
		19
	PART 7—AMENDMENT OF INTEGRATED PLANNING AND OTHER LEGISLATION	20
	AMENDMENT ACT 1999	21
		22
	Act amended in pt 7	23
Clause	47. This part amends the <i>Integrated Planning and Other Legislation Amendment Act 1999</i> .	24
		25

*Local Government and Other Legislation
Amendment (No. 2)*

Amendment of s 12 (Insertion of new s 6.1.54)

		1
Clause	48. Section 12, inserted section 6.1.54(1)—	2
	<i>omit, insert—</i>	3
	‘ 6.1.54.(1) Subsections (2) to (6) apply if the local government has, for its area—	4
		5
	(a) a transitional planning scheme; or	6
	(b) an IPA planning scheme for which the Minister gave the local government a notice for this section when the Minister advised the local government under schedule 1, section 18(4), that it may adopt the planning scheme.’.	7
		8
		9
		10

**PART 8—AMENDMENT OF TRANSPORT
INFRASTRUCTURE ACT 1994**

		11
	Act amended in pt 8	13
Clause	49. This part amends the <i>Transport Infrastructure Act 1994</i> .	14
	Amendment of s 236 (Continuation of certain provisions of Harbours Act requiring approval for certain matters)	15
		16
Clause	50. Section 236(8), ‘1999’—	17
	<i>omit, insert—</i>	18
	‘2000’.	19

*Local Government and Other Legislation
Amendment (No. 2)*

**PART 9—MINOR AND CONSEQUENTIAL
AMENDMENTS**

1
2

Minor and consequential amendments—schedule

3

Clause **51.** The schedule amends the Acts mentioned in it.

4

SCHEDULE	1
MINOR AND CONSEQUENTIAL AMENDMENTS	2
section 51	3
CITY OF BRISBANE ACT 1924	4
1. Part 2, division 5, heading—	5
<i>omit, insert—</i>	6
<i>‘Division 5—Quadrennial elections and extraordinary vacancies’.</i>	7
2. Section 16A(1)(a), 17(3) and (3A) and 24, ‘triennial’—	8
<i>omit, insert—</i>	9
‘quadrennial’.	10
COMMUNITY SERVICES (ABORIGINES) ACT 1984	11
1. Sections 16, 17(3) and (4), 18 and 47(2), ‘triennial’—	12
<i>omit, insert—</i>	13
‘quadrennial’.	14

SCHEDULE (continued)

COMMUNITY SERVICES (TORRES STRAIT) ACT 1984	1 2
<p>1. Sections 16, 17(3) and (4), 18 and 45(2), ‘triennial’—</p> <p style="padding-left: 2em;"><i>omit, insert—</i></p> <p style="padding-left: 2em;">‘quadrennial’.</p>	3 4 5
GLADSTONE AREA WATER BOARD ACT 1984	6
<p>1. Section 15(3), ‘triennial’—</p> <p style="padding-left: 2em;"><i>omit, insert—</i></p> <p style="padding-left: 2em;">‘quadrennial’.</p>	7 8 9
LOCAL GOVERNMENT ACT 1993	10
<p>1. Sections 3, definition “delayed implementation issues”, paragraph (c), 5(2)(a), 10(a)(viii), 90(6)(a), 93(2)(a) and (3), 95(2), 95(3), example 1, 96(4), example 1, 100(4)(a), 102(2)(a) and (3), 104(2), 104(3), example 1, 111(2), example 1, 157(6), definition “interim period”, 220(1)(b), 227, 232(a), 237(5), 253(1), 258(b), 263(1)(b), 267(1) and (2), 277(a), 286(4), 287(4), definition “information date”, 412, 413, 420(1)(b), 423A(a), 424(a), 442, 477(1)(a) and 480(3)(a), ‘triennial’—</p> <p style="padding-left: 2em;"><i>omit, insert—</i></p> <p style="padding-left: 2em;">‘quadrennial’.</p>	11 12 13 14 15 16 17 18 19
<p>2. Chapter 2, part 2, division 4, heading—</p> <p style="padding-left: 2em;"><i>omit, insert—</i></p> <p style="padding-left: 2em;">‘Division 4—Establishment and operation of joint local governments’.</p>	20 21 22

*Local Government and Other Legislation
Amendment (No. 2)*

SCHEDULE (continued)

3. Section 44, heading—	1
<i>omit, insert—</i>	2
‘Regulations about establishment and operation of joint local governments’.	3
	4
4. Section 286(3), ‘by not more’—	5
<i>omit, insert—</i>	6
‘by more’.	7
5. Section 477(1)(a) and (b), ‘if’—	8
<i>omit.</i>	9
LOCAL GOVERNMENT AND OTHER LEGISLATION	10
AMENDMENT ACT 1999	11
1. Section 68, inserted definition “drafting certificate”, after ‘drafted in’—	12
	13
<i>insert—</i>	14
‘sufficient’.	15

**TOWNSVILLE/THURINGOWA WATER SUPPLY
BOARD ACT 1987**

1

2

1. Section 10(3), ‘triennial’—

3

omit, insert—

4

‘quadrennial’.

5