



Queensland

Local Government Reform Implementation Bill 2007



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2007

A Bill

for

An Act to provide for the implementation of structural reform of local governments, and for other purposes

The Parliament of Queensland enacts—		1
Part 1	Preliminary	2
Clause 1	Short title	3
	This Act may be cited as the <i>Local Government Reform Implementation Act 2007</i> .	4 5
Part 2	Amendment of Local Government Act 1993	6 7
Clause 2	Act amended in pt 2	8
	This part and the schedule amend the <i>Local Government Act 1993</i> .	9 10
Clause 3	Amendment of s 18 (Declaration of classes of local government areas)	11 12
	(1) Section 18(2), after ‘following—’—	13
	<i>insert—</i>	14
	‘• region’.	15
	(2) Section 18(3), ‘a city or town’—	16
	<i>omit, insert—</i>	17
	‘a region, city or town’.	18
	(3) Section 18(4), after ‘shire’—	19
	<i>insert—</i>	20
	‘or to the 4 classes of region, city, town or shire’.	21

Clause 4	Amendment of s 34 (Local government name)	1
	(1) Section 34(a), ‘City/Town/Shire’—	2
	<i>omit, insert—</i>	3
	‘Region/City/Town/Shire’.	4
	(2) Section 34(b), ‘City/Town/Shire’—	5
	<i>omit, insert—</i>	6
	‘Regional/City/Town/Shire’.	7
Clause 5	Insertion of new ch 3, pt 1B	8
	Chapter 3—	9
	<i>insert—</i>	10
‘Part 1B	Implementation of whole of	11
	Queensland local government	12
	boundaries reform	13
‘Division 1	Preliminary	14
‘159YA Application of pt 1B		15
	‘(1) This part does not apply to the Brisbane City Council.	16
	‘(2) This part applies to a Torres Strait Islander local government.	17
‘159YB Objectives of pt 1B		18
	‘(1) This part has a number of objectives.	19
	‘(2) Firstly an objective of this part is the objective stated for part	20
	1A in section 159B.	21
	‘(3) Secondly, an objective of this part is to implement decisions	22
	for the structural reform of local governments, which reform	23
	includes—	24
	(a) following the making of recommendations by the	25
	reform commission under part 1A, the establishment of	26

particular local government areas to replace particular existing local government areas; and	1 2
(b) the creation of new structural and governance arrangements.	3 4
‘(4) Thirdly, an objective of this part is to provide for the transition of existing local governments to the new arrangements.	5 6
‘159YC Operation of pt 1B in relation to pt 1	7
‘To remove any doubt, it is declared that the requirements applying under part 1 for the implementation of reviewable local government matters do not apply to the implementation of a reform matter under this part.	8 9 10 11
‘159YD Definitions for pt 1B	12
In this part—	13
‘ <i>adjusted local government</i> means a local government whose local government area is an adjusted local government area.	14 15
<i>adjusted local government area</i> means a local government area that under this part is changed by—	16 17
(a) the inclusion of an area in it; or	18
(b) the exclusion of an area from it.	19
<i>area map</i> means a map or group of maps showing 1 or more of the following—	20 21
(a) the external boundaries of a local government area;	22
(b) the division boundaries of a local government area that is divided;	23 24
(c) a transferring area.	25
<i>caretaker period</i> , for an election for a new local government, means the election period for the election.	26 27
<i>changeover day</i> see section 159YE.	28
<i>chief returning officer</i> means the commissioner.	29

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- continuing local government** means a local government whose local government area is a continuing local government area. 1
2
3
- continuing local government area** see section 159YK. 4
- division arrangements regulation** means a regulation under section 159YH, 159YJ or 159YL. 5
6
- employee**, for division 7, see section 159ZE. 7
- existing local government** means a local government whose local government area is an existing local government area. 8
9
- existing local government area** means a local government area as in existence on the commencement of this section. 10
11
- function** includes power. 12
- local transition committee** means— 13
 - (a) for a new local government area—a local transition committee established for the area under section 159YR; and 14
15
16
 - (b) for division 9—see section 159ZP. 17
- major policy decision**, for a merging local government, means a decision— 18
19
 - (a) about the appointment of a chief executive officer of the local government; or 20
21
 - (b) about the remuneration of the chief executive officer of the local government; or 22
23
 - (c) to terminate the employment of the chief executive officer of the local government; or 24
25
 - (d) to enter into a contract, other than a contract between the local government and the State or the Commonwealth, the total value of which is more than the greater of the following— 26
27
28
29
 - (i) \$150000; 30
 - (ii) 1% of the local government’s net rate and utility charges as stated in the local government’s audited financial statements included in the local government’s most recently adopted annual report. 31
32
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- merging local government*** means an existing local government whose local government area is a merging local government area. 1
2
3
- merging local government area*** means an existing local government area all or part of which, under this part, is abolished to become part of a new local government area. 4
5
6
- Note—* 7
- Existing local government areas part of which, under this part, are abolished to become part of a new local government area are the existing local government areas of Beaudesert Shire Council, Ipswich City Council, Taroom Shire Council, Tiaro Shire Council and Torres Shire Council. 8
9
10
11
12
- new local government*** means a local government whose area is a new local government area. 13
14
- new local government area*** see section 159YG. 15
- reform implementation regulation*** see section 159YQ. 16
- reform matter*** means anything that takes effect under division 2. 17
18
- State Transition Committee*** see section 159ZZ. 19
- transferring area*** means transferring area A, B, C, D, E, F, G, H, I, J, K, L or M. 20
21
- transferring area A*** means— 22
- (a) generally, the northern urban areas of the existing local government area of the Beaudesert Shire Council; and 23
24
- (b) more particularly, the area marked as transferring area A on area map LGTA1. 25
26
- transferring area B*** means— 27
- (a) generally, the southern rural areas, including the Town of Beaudesert and the Tamborine area, of the existing local government area of the Beaudesert Shire Council; and 28
29
30
31
- (b) more particularly, the area marked as transferring area B on area map LGTA2. 32
33

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- transferring area C*** means— 1
- (a) generally, the Harrisville/Peak Crossing area of the existing local government area of the Ipswich City Council; and 2
3
4
 - (b) more particularly, the area marked as transferring area C on area map LGTA3. 5
6
- transferring area D*** means— 7
- (a) generally, all parts of the local government area of the Gold Coast City Council north of the Albert River, including the Beenleigh/Eagleby areas; and 8
9
10
 - (b) more particularly, the area marked as transferring area D on area map LGTA4. 11
12
- transferring area E*** means— 13
- (a) generally, division 1 (the Town of Taroom) of the existing local government area of the Taroom Shire Council; and 14
15
16
 - (b) more particularly, the area shown as division 1 on area map LGB119, edition 1. 17
18
- transferring area F*** means— 19
- (a) generally, division 2 (the Wandoan area) of the existing local government area of the Taroom Shire Council; and 20
21
 - (b) more particularly, the area shown as division 2 on area map LGB119, edition 1. 22
23
- transferring area G*** means— 24
- (a) generally, divisions 1 and 2 (the northern area) of the existing local government area of the Tiaro Shire Council; and 25
26
27
 - (b) more particularly, the area shown as divisions 1 and 2 on area map LGB121, edition 2. 28
29
- transferring area H*** means— 30
- (a) generally, division 3 (the Theebine/Gunalda areas) of the existing local government area of the Tiaro Shire Council; and 31
32
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- (b) more particularly, the area shown as division 3 on area map LGB121, edition 2. 1
2
- transferring area I*** means— 3
- (a) generally, the areas of Sweers Island and Bountiful Islands; and 4
5
- (b) more particularly, the area marked as transferring area I on area map LGTA5. 6
7
- transferring area J*** means— 8
- (a) an area included in the existing local government area of the Cook Shire Council; and 9
10
- (b) more particularly, the area marked as transferring area J on area map LGTA6. 11
12
- transferring area K*** means— 13
- (a) an area included in the existing local government area of the Cook Shire Council; and 14
15
- (b) more particularly, the area marked as transferring area K on area map LGTA7. 16
17
- transferring area L*** means the council areas described in the *Community Services (Torres Strait) Regulation 1998*, schedule 1A, other than the Bamaga council area and the Seisia council area, to the extent the council areas are part of the existing local government area of the Torres Shire Council. 18
19
20
21
22
- transferring area M*** means the Bamaga council area and the Seisia council area, as described in the *Community Services (Torres Strait) Regulation 1998*, schedule 1A, to the extent the council areas are part of the existing local government area of the Torres Shire Council. 23
24
25
26
27
- transferring area local transition committee***, for a transferring area, means a transferring area local transition committee established for the area under section 159YY. 28
29
30
- transition action plan*** see section 159Z. 31
- transition matter*** means any matter relevant to the coming into effect or the implementation of a reform matter. 32
33
- transition period***, for division 10, see section 159ZU. 34
- type 1 election*** see section 159ZK. 35

<i>type 2 election</i> see section 159ZK.	1
<i>type 3 election</i> see section 159ZK.	2
‘159YE Changeover day	3
‘(1) The <i>changeover day</i> , for a new, adjusted or continuing local government area, is the day that is the conclusion of the last 2008 quadrennial election held for any councillor for the new, adjusted or continuing local government area under division 8.	4 5 6 7 8
‘(2) However, the Minister may, by gazette notice, advise an earlier or later day as the changeover day for a particular new, adjusted or continuing local government area.	9 10 11
‘(3) If the Minister advises a later or earlier day as the changeover day for a particular new, adjusted or continuing local government, a provision of this part that refers to the changeover day for a new, adjusted or continuing local government applies to the particular new, adjusted or continuing local government on the basis that its changeover day is the day advised.	12 13 14 15 16 17 18
‘Division 2 Establishment of new local government areas and adjustments of local government areas	19 20 21
‘Subdivision 1 Preliminary	22
‘159YF Operation of sch 1A	23
‘(1) Each area map mentioned in schedule 1A, in the definition of a transferring area or in a division arrangements regulation—	24 25
(a) is identified by a map number marked on the map; and	26
(b) may be inspected without fee at the office of the department in Brisbane.	27 28
<i>Editor’s note—</i>	29
A copy of each area map is also available on the department’s website.	30 31

‘(2) A map stated in schedule 1A is fully effective to identify the external boundaries of a new, adjusted or continuing local government even if the map bears a name that is different from the name stated for the local government area in the schedule.	1 2 3 4 5
‘Subdivision 2 New local government areas	6
‘159YG Establishment of new local government areas (sch 1A, pt 1)	7 8
‘(1) A local government area (a <i>new local government area</i>) is established for the part of the State specified in each area map stated in schedule 1A, part 1, column 3.	9 10 11
‘(2) Each existing local government area is abolished, to the extent the area is the same as an area included in a part of the State mentioned in subsection (1).	12 13 14
‘(3) The establishment of a new local government area under subsection (1), and the corresponding abolition under subsection (2) of any existing local government area and of any part of an existing local government area, takes effect on the changeover day for the new local government area.	15 16 17 18 19
‘159YH Operation of sch 1A, pt 1	20
‘Each item of schedule 1A, part 1 lists and describes a new local government on its changeover day as follows—	21 22
(a) its local government area has the name stated in schedule 1A, part 1, column 1;	23 24
(b) it is a local government of the class stated in schedule 1A, part 1, column 2;	25 26
(c) it has the local government area shown in the area map stated in schedule 1A, part 1, column 3;	27 28
(d) if the entry in schedule 1A, part 1, column 4 states ‘area not divided’, its local government area is not divided into divisions;	29 30 31

-
- | | | |
|------|--|----------------|
| (e) | if the entry in schedule 1A, part 1, column 4 states division numbers— | 1
2 |
| (i) | its local government area is divided into divisions that have the division boundaries shown in the area map stated in schedule 1A, part 1, column 3; and | 3
4
5 |
| (ii) | it has the number of councillors assigned to each division as stated in the entry in schedule 1A, part 1, column 4; | 6
7
8 |
| (f) | if the entry in schedule 1A, part 1, column 4 states ‘divided’— | 9
10 |
| (i) | its local government area is divided into divisions that have the division boundaries shown in an area map stated in a regulation; and | 11
12
13 |
| (ii) | it has 1 councillor (other than the mayor) assigned to each division; | 14
15 |
| (g) | it has the composition stated in schedule 1A, part 1, column 5. | 16
17 |

‘Subdivision 3 Adjusted local government areas 18

‘159YI Transfer of transferring areas 19

- | | | |
|------|--|----------------------|
| ‘(1) | Transferring area A is excluded from the existing local government area of the Beaudesert Shire Council and is included in the existing local government area of the Logan City Council. | 20
21
22
23 |
| ‘(2) | Transferring area D is excluded from the existing local government area of the Gold Coast City Council and is included in the existing local government area of the Logan City Council. | 24
25
26
27 |
| ‘(3) | Transferring area E is excluded from the existing local government area of the Taroom Shire Council and is included in the existing local government area of the Banana Shire Council. | 28
29
30
31 |
| ‘(4) | Transferring area I is included in the existing local government area of the Mornington Shire Council. | 32
33 |

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- ‘(5) Transferring area J is excluded from the existing local government area of the Cook Shire Council and is included in the existing local government area of Wujal Wujal Shire Council. 1
2
3
4
- ‘(6) Transferring area K is excluded from the existing local government area of the Cook Shire Council and is included in the existing local government area of Hope Vale Shire Council. 5
6
7
8
- ‘(7) The exclusion and inclusion of a transferring area under subsections (1), (2), (3), (5) or (6), and the inclusion of a transferring area under subsection (4), takes effect on the changeover day for the adjusted local government area resulting from the exclusion or inclusion. 9
10
11
12
13
- ‘159YJ Operation of sch 1A, pt 2 14**
- ‘(1) Each item of schedule 1A, part 2 lists and describes a local government whose local government area becomes an adjusted local government area because of— 15
16
17
- (a) any inclusion or exclusion of a transferring area under this subdivision; or 18
19
- (b) the inclusion of a transferring area in the local government area of a new local government under subdivision 2. 20
21
22
- ‘(2) Each item of schedule 1A, part 2 lists and describes an adjusted local government on its changeover day as follows— 23
24
- (a) its local government area has the name stated in schedule 1A, part 2, column 1; 25
26
- (b) it is a local government of the class stated in schedule 1A, part 2, column 2; 27
28
- (c) it has the local government area shown in the area map stated in schedule 1A, part 2, column 3; 29
30
- (d) if the entry in schedule 1A, part 2, column 4 states ‘area not divided’, its local government area is not divided into divisions; 31
32
33
- (e) if the entry in schedule 1A, part 2, column 4 states ‘divided’— 34
35

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(i) its local government area is divided into divisions that have the division boundaries shown in an area map stated in a regulation; and	1 2 3
(ii) it has 1 councillor (other than the mayor) assigned to each division;	4 5
(f) it has the composition stated in schedule 1A, part 2, column 5.	6 7
‘Subdivision 4 Continuing local government areas	8
‘159YK Changes applying to continuing local government areas	9 10
‘(1) Each local government area (a <i>continuing local government area</i>) mentioned in schedule 1A, part 3 is a local government area whose external boundaries are not changed under this division.	11 12 13 14
‘(2) Each continuing local government area whose existing division and composition arrangements are different from those stated for it in schedule 1A, part 3 is changed to the arrangements for its division and composition as stated for it in the part.	15 16 17 18 19
‘(3) Each change under subsection (2) takes effect on the changeover day for the continuing local government area.	20 21
‘(4) For completeness, schedule 1A, part 3 includes details of all continuing local government areas, even if their division and composition arrangements are not changed under subsection (2).	22 23 24 25
‘159YL Operation of sch 1A, pt 3	26
‘Each item of schedule 1A, part 3 lists and describes a continuing local government on its changeover day as follows—	27 28 29
(a) its local government area has the name stated in schedule 1A, part 3, column 1;	30 31

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(b)	it is a local government of the class stated in schedule 1A, part 3, column 2;	1 2
(c)	it has the local government area shown in the area map stated in schedule 1A, part 3, column 3;	3 4
(d)	if the entry in schedule 1A, part 3, column 4 states ‘area not divided’, its local government area is not divided into divisions;	5 6 7
(e)	if the entry in schedule 1A, part 3, column 4 states ‘divided’—	8 9
(i)	its local government area is divided into divisions that have the division boundaries shown in an area map stated in a regulation; and	10 11 12
(ii)	it has 1 councillor (other than the mayor) assigned to each division;	13 14
(f)	it has the composition stated in schedule 1A, part 3, column 5.	15 16
‘Subdivision 5	Regulations supporting divisions 2 to 4	17 18
‘159YM Limit of division arrangements regulation		19
‘(1)	A division arrangements regulation must not affect, or purport to change—	20 21
(a)	the name, class, or composition of a new, adjusted or continuing local government as provided for in division 2, 3 or 4 and schedule 1A, part 1, 2 or 3; or	22 23 24
(b)	the external boundaries of the local government area of a new, adjusted or continuing local government as provided for in division 2, 3 or 4 and schedule 1A, part 1, 2 or 3.	25 26 27 28
‘(2)	Subsection (1) does not prevent the regulation from stating a new area map as the map identifying the external boundaries of a local government area.	29 30 31
<i>Example—</i>		32
a later edition of an area map that now includes division boundaries		33

‘(3) A division arrangements regulation must not be stated to apply to a local government other than a new, adjusted or continuing local government area whose entry in schedule 1A, part 1, 2 or 3, column 4 states ‘divided’.	1 2 3 4
‘(4) A division arrangements regulation may be included in a reform implementation regulation and need not be specifically identified as being a division arrangements regulation.	5 6 7
‘(5) However, 1 or more division arrangements regulations, providing for all matters required to be provided for under a division arrangements regulation, must be made as soon as reasonably practicable after the Minister receives notice of any commissioner’s decision about division boundaries under subdivision 6.	8 9 10 11 12 13
‘(6) The division boundaries for a new, adjusted or continuing local government area provided for in a division arrangements regulation must be the boundaries decided by the commissioner under subdivision 6.	14 15 16 17
‘(7) Failure to comply with subsection (5) does not affect a regulation’s validity.	18 19
‘159YN Regulation for declaring information about local governments	20 21
‘(1) A regulation may at any time, whether before or after the changeover day for any new, adjusted or continuing local government, declare and update relevant information about existing, new, adjusted or continuing local governments.	22 23 24 25
<i>Example—</i>	26
The regulation may identify an area map for a new local government area that takes the place of 2 superseded area maps.	27 28
‘(2) In this section—	29
<i>relevant information</i> means information of the type included in schedule 1A.	30 31

‘Subdivision 6	Division boundaries for new, adjusted and continuing local government areas	1 2 3
‘159YO Commissioner to decide division boundaries		4
‘(1)	This section applies in relation to each new, proposed or continuing local government area whose entry in schedule 1A, part 1, 2 or 3, column 4 states ‘divided’.	5 6 7
‘(2)	The commissioner must decide the division boundaries to apply for the local government area for the 2008 quadrennial elections.	8 9 10
‘(3)	The commissioner must decide the boundaries under subsection (2) as soon as possible, but in any event not later than 15 September 2007.	11 12 13
‘(4)	The commissioner must advise the Minister of the commissioner’s decision for each new, adjusted or continuing local government area as soon as possible after the decision is made.	14 15 16 17
‘(5)	Before deciding the division boundaries, the commissioner must—	18 19
(a)	publish a notice in a newspaper circulating generally in the local government area inviting submissions from interested persons about what the boundaries should be; and	20 21 22 23
(b)	advise in the notice that submissions must be received within 7 days after the publication of the notice; and	24 25
(c)	consider all submissions received within the time required under paragraph (b).	26 27
‘(6)	For deciding the divisions of the local government area, the commissioner must—	28 29
(a)	decide the total number of electors for the new, adjusted or continuing local government area on the basis of the enrolment information most recently available to the commissioner; and	30 31 32 33

(b)	apply the principles stated in sections 285 and 286(2) for calculating a quota and allowing for departure from the quota.	1 2 3
‘159YP Review of commissioner’s decision		4
‘(1)	A decision of the commissioner under this division—	5
(a)	is final and conclusive; and	6
(b)	can not be challenged, appealed against, reviewed, quashed, set aside, or called into question in another way, under the <i>Judicial Review Act 1991</i> or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and	7 8 9 10 11
(c)	is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.	12 13
‘(2)	Without limiting subsection (1), a person may not bring a proceeding for an injunction or any other order to stop or otherwise restrain the performance of a designated act, or for a declaration about the validity of a designated act.	14 15 16 17
‘(3)	In this section—	18
	<i>decision</i> includes—	19
(a)	conduct engaged in to make a decision; and	20
(b)	conduct related to making a decision; and	21
(c)	failure to make a decision.	22
	<i>designated act</i> means an act of the commissioner, including the act of advising the Minister of a decision under this division, the performance of which is authorised, or purportedly authorised, under this division.	23 24 25 26
‘Division 3	Implementation of reform matters	27
‘159YQ Reform implementation regulations		28
‘(1)	A regulation (a <i>reform implementation regulation</i>) may be made under this part to support the coming into effect of any reform matter.	29 30 31

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- ‘(2) Part 1, division 10 applies to a reform implementation regulation as if it were a regulation implementing a reviewable local government matter under part 1.
- ‘(3) However, the following provisions do not apply under subsection (2)—
- (a) section 157(2)(a), (b) and (j) and (3) to (6);
 - (b) section 158.
- ‘(4) For applying section 157(2)(g) and schedule 2, definition *implementation issues*, the reference in the definition to a reviewable local government matter mentioned in section 64(1)(a), (c), (e) or (f) may be taken to be a reference to any reform matter.
- ‘(5) Without limiting section 157(2)(k) or schedule 2, definition *implementation issues*, paragraph (e), as applied under subsections (1) to (4), a reform implementation regulation may include provision for any of the following—
- (a) how and to what extent, from its changeover day—
 - (i) any new local government is the successor of any existing local government; and
 - (ii) any adjusted local government is the successor of any existing local government in relation to any transferring area;
 - (b) how and to what extent functions of any existing local governments are, from changeover day for a new or adjusted local government area, to be exercised by the new or adjusted local government or by any other entity;
 - (c) the continuing operation of delegations made by existing local governments;
 - (d) the continuation of employment of employees of existing local governments by new or adjusted local governments;
 - (e) requirements for the preparation of financial statements for existing local governments that under this part are merging local governments or become adjusted local governments and for the auditing of and reporting on the financial statements by the auditor-general;

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(f)	obligations of existing local governments that under this part become adjusted local governments relating to the transition of transferring areas;	1 2 3
(g)	empowering and directing the Local Government Grants Commission to make decisions about the allocation of employees, assets, liabilities and property of any kind between local governments whose areas have a transferring area included in them or excluded from them;	4 5 6 7 8 9
(h)	payment by an existing local government or a successor of an existing local government for a failure of the existing local government to adequately supply services and facilities in its local government area in the period between the commencement of this section and the changeover day for a new or adjusted local government;	10 11 12 13 14 15
(i)	dealing with the custody of records under the control of existing local governments;	16 17
(j)	references in documents to existing local governments;	18
(k)	recording in registers kept under any Act the vesting of property affected by the regulation;	19 20
(l)	dealing with legal proceedings by or against an existing local government.	21 22
‘(6)	A reform implementation regulation under subsection (5)(g) may direct whether, and if so to what extent, part 3, divisions 3 to 5 applies to the commission for the purposes of making decisions under the regulation.	23 24 25 26
‘Division 4	Local transition committees	27
‘Subdivision 1	Local transition committees for new local government areas	28 29
‘159YR Establishment and composition of local transition committees for new local governments		30 31
‘(1)	Each merging local government whose local government area will, on the changeover day for a new local government area,	32 33

- partly or completely, be abolished to form part of the new local government area must take all necessary action to establish a local transition committee for the new local government area as required by this division.
- ‘(2) The local transition committee for the new local government area must be made up of—
- (a) representatives of each merging local government, consisting of 2 councillors of the local government, nominated by the local government; and
 - (b) up to 3 union representatives, as agreed by the relevant unions, with each representative being nominated by a relevant union; and
 - (c) after the committee appoints the interim chief executive officer for the new local government—the interim chief executive officer.
- ‘(3) However, a local transition committee must be made up in the way stated in schedule 1B for each of the following new local government areas—
- (a) Cassowary Coast Regional Council;
 - (b) Torres Strait Island Regional Council.
- ‘(4) The local transition committee may from time to time include on the committee, as voting members of the committee, other persons the committee considers are suitable to represent the views of the community within the new local government area.
- ‘(5) In this section—
- relevant union* means—
- (a) the Australian Services Union; or
 - (b) the Australian Workers’ Union Queensland; or
 - (c) the Queensland Council of Unions.

‘159YS Guidelines for local transition committees 31

- ‘(1) The chief executive may publish guidelines on the department’s website for the establishment and operation of local transition committees. 32
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‘(2) The guidelines may include the following—	1
(a) particulars about how local transition committees are to be established;	2 3
(b) explanations about local transition committees’ functions;	4 5
(c) the establishment and conduct of subcommittees of local transition committees;	6 7
(d) how interim chief executive officers of local transition committees are to be appointed;	8 9
(e) explanations about the functions of interim chief executive officers;	10 11
(f) the content and preparation of transition action plans.	12
‘(3) If a State Transition Committee has been established, the chief executive must, before publishing the guidelines, consult on the content of the guidelines with the committee.	13 14 15
‘(4) It is the responsibility of each local transition committee, including of each member of a local transition committee, to ensure, to the greatest practicable extent, that the local transition committee acts in conformity with the guidelines.	16 17 18 19
‘159YT Responsibility to act in public interest	20
‘(1) The members of a local transition committee must act in the public interest of the new local government area for which it is established.	21 22 23
‘(2) If, for a member of a local transition committee, a conflict arises between the public interest mentioned in subsection (1) and the member’s private interest, the member must act in a way that gives preference to the public interest.	24 25 26 27
‘(3) For a member of a local transition committee who is also a councillor, section 229(2) and (3) applies subject to subsection (2).	28 29 30
‘159YU Functions of local transition committee	31
‘(1) The functions of a local transition committee for a new local government area are—	32 33

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- (a) to appoint an interim chief executive officer for the new local government for the new local government area as provided for in this division; and
- (b) to oversee the implementation of an approved framework for managing industrial relations and workforce transition in the period leading up to the 2008 quadrennial elections; and
- (c) to oversee the preparation of a transition action plan; and
- (d) to inform the local governments required to be represented on the committee, and the community generally, to promote a full understanding of the processes for establishing the new local government; and
- (e) to approve an interim executive organisational structure for the new local government for the new area; and
- (f) to provide guidance and support to the local governments required to be represented on the committee for resolving issues in the period leading up to the 2008 quadrennial elections; and
- (g) to establish financial and administrative arrangements for its own operation.

'159YV First meeting of local transition committee and public notification

- '(1) The first meeting of a local transition committee must be held as soon as possible after the commencement of this section.
- '(2) At the first meeting of a local transition committee, the members must elect a member of the committee who is also a councillor to be the chairperson of the committee.
- '(3) A local transition committee must, not later than 30 days after the commencement of this section, notify, in a newspaper circulating generally in the area to become the local government area of the new local government, information about the local transition committee, including the following information—

- (a) the name of each member of the local transition committee; 1
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- (b) the name of the chairperson of the local transition committee; 3
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- (c) contact information for the local transition committee. 5
- ‘(4) A local transition committee must, within 7 days after a notice notifying the required information under subsection (3) is published, forward a copy of the notice to the chief executive. 6
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‘159YW Appointment of interim chief executive officer for new local government 9
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- ‘(1) A local transition committee for a new local government area must appoint an interim chief executive officer for the new local government for the new area. 11
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- ‘(2) The appointment must be made as soon as possible after the committee’s first meeting, but in any event, within 30 days after the first meeting. 14
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- ‘(3) If the interim chief executive officer appointed is an employee of a local government required to be represented on the committee, the local government must continue to employ the person on the terms the committee reasonably requires, even though the person is required to perform functions as interim chief executive officer for the new local government. 17
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- ‘(4) The interim chief executive officer must not continue to hold an appointment as the chief executive officer of an existing local government. 23
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- ‘(5) If the interim chief executive officer appointed is not an employee of a local government required to be represented on the committee, the committee must nominate 1 or more of the local governments to be the employer of the interim chief executive officer. 26
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- ‘(6) However, for the new local government of Torres Strait Island Regional Council, if the interim chief executive officer appointed is not an employee of a local government required to be represented on the committee, the Island Coordinating Council under the *Community Services (Torres Strait) Act* 31
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1984 must be the employer of the interim chief executive officer.	1 2
‘(7) The nominated local government must employ the person, on the terms the committee reasonably requires, to perform functions as interim chief executive officer for the new local government.	3 4 5 6
‘159YX Employment subcommittee	7
‘(1) Each local transition committee must create, and appoint the members of, an employment subcommittee.	8 9
‘(2) An employment subcommittee must consist of—	10
(a) the union representatives included in the local transition committee; and	11 12
(b) other persons nominated by the local governments required to be represented on the local transition committee.	13 14 15
‘(3) An employment subcommittee has the function of advising its local transition committee about staffing matters arising because of the implementation of the reform matters.	16 17 18
‘Subdivision 2 Transferring area local transition committees	19 20
‘159YY Establishment and composition of transferring area local transition committees	21 22
‘(1) The local governments stated in this section must take all necessary action to establish transferring area local transition committees as provided for in this section.	23 24 25
‘(2) The Logan City Council and the Beaudesert Shire Council must establish a transferring area local transition committee for transferring area A.	26 27 28
‘(3) The Logan City Council and the Gold Coast City Council must establish a transferring area local transition committee for transferring area D.	29 30 31

‘(4) The Banana Shire Council and the Taroom Shire Council must establish a transferring area local transition committee for transferring area E.	1 2 3
‘(5) A transferring area local transition committee must be made up in the way stated in schedule 1C.	4 5
‘159YZ Functions of transferring area local transition committee	6 7
‘(1) Subdivision 1 applies to a transferring area local transition committee to the greatest practicable extent as if it were a local transition committee established under subdivision 1.	8 9 10
‘(2) Without limiting subsection (1), subdivision 1 applies as if the transition to a new local government area were the transition of a transferring area from 1 local government area to another.	11 12 13
‘(3) However, a transferring area local transition committee must not appoint an interim chief executive officer.	14 15
‘Division 5 Transition action plans	16
‘159Z Transition action plans for new local government area	17
‘(1) The interim chief executive officer for each new local government must prepare a plan (a <i>transition action plan</i>) that provides details of how the transition to the new local government area is to be successfully achieved, including by ensuring that the momentum for the change is maintained and that the new local government is able to act effectively from the changeover day for the new local government area.	18 19 20 21 22 23 24
‘(2) The interim chief executive officer must prepare the transition action plan in the period between appointment as the interim chief executive officer and the changeover day.	25 26 27
‘(3) In preparing the plan, the interim chief executive officer must consult with the chief executive officers of the merging local governments for the new local government area.	28 29 30

‘159ZA Guidelines for transition action plans	1
‘(1) The chief executive may publish on the department’s website guidelines for transition action plans.	2 3
‘(2) The interim chief executive officer for a new local government must ensure that the transition action plan prepared by the officer is, and is prepared, to the greatest practicable extent in conformity with the guidelines.	4 5 6 7
‘Division 6 Interim chief executive officers	8
‘159ZB Functions of interim chief executive officer before changeover day	9 10
‘(1) In the period from the appointment of the interim chief executive officer for a new local government until immediately before the changeover day for the new local government area for the new local government, the interim chief executive officer must oversee all aspects of establishing the new local government.	11 12 13 14 15 16
‘(2) Without limiting subsection (1), the interim chief executive officer must—	17 18
(a) develop a draft organisational structure for the new local government; and	19 20
(b) develop and implement a strategy for ensuring staff of the merging local governments are informed about and are able to contribute to the resolution of issues arising in relation to the transition to the new local government; and	21 22 23 24 25
(c) review and assess existing systems and identify areas of concern for the transition to the new local government; and	26 27 28
(d) work collaboratively with the local transition committee of which the interim chief executive officer is a member to ensure there is adequate preparation for the 2008 quadrennial elections for the new local government area; and	29 30 31 32 33

(e)	prepare a proposed interim staffing strategy and budget for the new local government; and	1 2
(f)	for facilitating the transition to the new local government, establish effective communication and consultation processes, including for example with the following—	3 4 5 6
(i)	councillors of merging local governments;	7
(ii)	employees, and organisations representing employees, of merging local governments;	8 9
(iii)	community leaders;	10
(iv)	the community generally.	11
‘(3)	The interim chief executive officer has no role or function in relation to the day to day operations of any existing local government, including any existing local government of which the interim chief executive officer was previously the chief executive officer.	12 13 14 15 16
‘159ZC	Responsibility of chief executive officer to help interim chief executive officer	17 18
‘(1)	The chief executive officer of an existing local government must, as required in this section, take all necessary action to give help to the interim chief executive officer of a new local government in relation to which the existing local government is a merging local government.	19 20 21 22 23
‘(2)	The chief executive officer must give the interim chief executive officer all the help the interim chief executive officer reasonably needs to perform the officer’s functions, including any help the interim chief executive officer reasonably requires to be given.	24 25 26 27 28
‘(3)	Without limiting subsection (2), the chief executive officer must act in a timely way to give the interim chief executive officer all financial statements and other financial information relating to the merging local government.	29 30 31 32

‘159ZD Functions of interim chief executive officer from changeover day	1
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‘(1) On the changeover day for a new local government area, the person who, immediately before the changeover day was the interim chief executive officer for the new local government—	3
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(a) becomes the acting chief executive officer of the new local government; and	6
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(b) in addition to the officer’s functions as the acting chief executive officer of the new local government, retains all the functions the officer had as the interim chief executive officer; and	8
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(c) becomes an employee of the new local government on the same terms and conditions as the officer was employed as the interim chief executive officer.	12
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‘(2) Unless the officer’s employment as acting chief executive officer is otherwise ended, the officer holds the appointment as acting chief executive officer until the new local government appoints a chief executive officer.	15
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‘(3) The new local government must take all reasonable steps to ensure it appoints a chief executive officer within 6 months after the changeover day.	19
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‘Division 7 Employment matters	22
‘159ZE Definition for div 7	23
‘(1) In this division—	24
<i>employee</i> , of a local government, does not include a person who, in the context of local government employment, is a casual or temporary employee, other than a long term casual or temporary employee, of the local government.	25
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‘(2) In this section—	29
<i>long term casual or temporary employee</i> , of a local government, means a casual or temporary employee of the local government who has been employed by the local government, or by the local government and its predecessor local government, on a regular and systematic basis, for	30
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several periods of employment, for at least 1 year immediately before the issue arises as to whether the employee is a long term casual or temporary employee.

predecessor, of a local government, means an existing local government that, under a reform implementation regulation, is the predecessor of the local government.

‘159ZF Application of div 7

- ‘(1) This division applies to any local government as in existence at any time between the commencement of this section and 16 March 2011.
- ‘(2) However, this division does not apply to—
- (a) an existing local government that under this part becomes a continuing local government; or
 - (b) a continuing local government.
- ‘(3) This division applies to a person as an employee of a local government, other than the chief executive officer of a local government.

‘159ZG Prohibition on retrenchment because of reform matter implementation

- ‘(1) A local government must not take any action to end an employee’s employment with the local government if the action is taken, whether completely or partly and whether directly or indirectly, because of the taking effect under this Act of a reform matter.
- ‘(2) For deciding whether a local government has contravened subsection (1), the reason given by a local government for taking action to end a person’s employment must be considered but is not conclusive.
- ‘(3) Subsection (1) applies only to an action taken before 16 March 2011.
- ‘(4) In this section—
- reform matter** includes a matter included in a reform implementation regulation.

‘159ZH Local government workforce transition code of practice	1
	2
‘(1) The Minister may approve codes of practice (<i>workforce transition codes of practice</i>) directed at ensuring the proper transition of local government workforces from any existing local government to any new or adjusted local government as in existence after the changeover day for the new or adjusted local government area.	3 4 5 6 7 8
‘(2) Without limiting subsection (1), a workforce transition code of practice may establish employment terms and conditions for employees, that are consistent with—	9 10 11
(a) firstly, the essential principles stated in subsection (3); and	12 13
(b) secondly, the supporting principles stated in subsection (4).	14 15
‘(3) The essential principles are that—	16
(a) service delivery levels should be maintained or enhanced; and	17 18
(b) as far as possible, the locations at which local government employees perform their work should not be changed.	19 20 21
‘(4) The supporting principles are that—	22
(a) employment security for local government employees should be maximised;	23 24
(b) local government staff should be retained to the maximum extent achievable;	25 26
(c) the impact of reform matters on local government employees should be minimised;	27 28
(d) there should be maximum employee involvement in the implementation of the reform matters as they affect employees;	29 30 31
(e) contracts of employment should be honoured;	32
(f) there should be maximum support given to employees;	33
(g) employees should be treated fairly and with respect;	34
(h) merit and equity should apply in all appointments;	35

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(i)	there should be prompt and sensitive dispute resolution;	1
(j)	there should be no overall loss of employment across the local government employment sector;	2 3
(k)	there should be no overall reduction in working conditions for any employee;	4 5
(l)	there should be no overall disadvantage to an employee in relation to the employee's working conditions.	6 7
‘(5)	It is the responsibility of each local government to ensure, to the extent a workforce transition code of practice applies to the local government, that the local government acts in conformity with the code of practice.	8 9 10 11
‘159ZI	When workforce transition code of practice takes effect	12 13
‘(1)	The Minister must notify the making of a workforce transition code of practice.	14 15
‘(2)	A workforce transition code of practice takes effect—	16
(a)	on the day the Minister's notice is notified or published in the gazette; or	17 18
(b)	if a later day is stated in the Minister's notice or the workforce transition code of practice—on that day.	19 20
‘(3)	A notice mentioned in subsection (2) is subordinate legislation.	21 22
‘Division 8	2008 quadrennial elections for all local government areas	23 24
‘159ZJ	Quadrennial elections in 2008 to be held on 15 March instead of 29 March	25 26
‘(1)	For 2008, and despite section 269(2), the date for the holding of each quadrennial election is 15 March 2008.	27 28
‘(2)	A different date may be fixed by regulation under section 269(3) for all quadrennial elections, or for 1 or more particular quadrennial elections, to be held in 2008.	29 30 31

‘159ZK Holding of 2008 quadrennial elections	1
‘(1) The 2008 quadrennial elections for the mayors and	2
councillors of all new, adjusted and continuing local	3
governments must be held under chapter 5 —	4
(a) as if all reform matters took effect on the	5
commencement of this section; and	6
(b) subject to any requirements of this part applying to the	7
elections; and	8
(c) subject to any necessary changes, including any changes	9
stated in this part, about the way chapter 5 applies to the	10
elections.	11
‘(2) Each 2008 quadrennial election for a new local government is	12
a <i>type 1 election</i> .	13
‘(3) Each 2008 quadrennial election for an adjusted local	14
government is a <i>type 2 election</i> .	15
‘(4) Each 2008 quadrennial election for a continuing local	16
government is a <i>type 3 election</i> .	17
‘159ZL Conduct of 2008 quadrennial elections by electoral	18
commission	19
‘(1) The 2008 quadrennial elections of the mayor and other	20
councillors for all new, adjusted and continuing local	21
governments must be conducted by the electoral commission.	22
‘(2) For the elections, the commissioner is to be known as the	23
chief returning officer.	24
‘(3) The chief returning officer has overall responsibility for the	25
proper conduct of the 2008 quadrennial elections.	26
‘(4) A returning officer’s responsibility for the proper conduct of	27
of an election is subject to subsection (3) and the further	28
provisions of this section.	29
‘(5) The chief returning officer may appoint and employ the	30
returning officer and assistant returning officers for each	31
election.	32
‘(6) However, the chief returning officer may—	33

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(a)	perform or exercise any of the functions of a returning officer appointed and employed under subsection (4) instead of the returning officer; and	1 2 3
(b)	give any reasonable directions to a returning officer or assistant returning officer about the performance of the officer's functions.	4 5 6
'(7)	Without limiting subsection (6), the chief returning officer may—	7 8
(a)	decide the places at which nominations are to be received; and	9 10
(b)	take any necessary action, including requiring the help of a local government, to ensure the proper conduct of the 2008 quadrennial elections.	11 12 13
'(8)	The chief executive officer of a local government must give all the help the chief returning officer reasonably requires, including providing access to and use of facilities of the local government.	14 15 16 17
'(9)	The chief returning officer may approve forms for use under this Act for the purposes of the conduct of the 2008 quadrennial elections.	18 19 20
'159ZM Changed application of s 220 for Northern Peninsula Area and Torres Strait Island regional councils		21 22 23
	'For applying section 220(1)(a) to the local government areas of the Northern Peninsula Area Regional Council and the Torres Strait Island Regional Council, a person is qualified to become a councillor of the new local government only if the person lives in the particular division for which the person is to be a candidate.	24 25 26 27 28 29
'159ZN Other changes to ch 5 for type 1, 2 and 3 elections		30
'(1)	For applying section 271 for a type 1, type 2 or type 3 election, a new, adjusted or continuing local government, or an existing local government, must, to the extent and at the times the Minister directs, reimburse the State for all costs	31 32 33 34

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reasonably incurred, including by the electoral commission, in conducting the election.	1 2
‘(2) Sections 272 and 273 do not apply.	3
‘(3) For a type 1 election, the chief returning officer must choose and publicly notify an office (the <i>election office</i>) for the new local government for the election.	4 5 6
‘(4) The election office for the new local government need not be the public office of an existing local government.	7 8
‘(5) An election office notified under subsection (3) becomes the public office of the new local government for the purposes of the application of chapter 5 to the election.	9 10 11
‘(6) For applying section 304(2) for a type 1, type 2 or type 3 election, a deposit must be held in the trust fund of the electoral commission.	12 13 14
‘(7) A deposit to be dealt with under section 314(3) must be paid in to the operating fund of the relevant new, adjusted or continuing local government.	15 16 17
‘(8) No action is required to be taken under chapter 5, part 5 for any type 1, type 2 or type 3 election.	18 19
<i>Note—</i>	20
Division 2 provides for the division of new, adjusted and continuing local government areas into divisions.	21 22
‘159ZO Changed references to particular matters	23
For applying section 441B, the reference to the chief executive officer of a local government is, for a type 1 election, taken to be a reference to—	24 25 26
(a) until a returning officer is appointed for the election—the interim chief executive officer of the new local government; and	27 28 29
(b) after a returning officer is appointed—the returning officer for the election.	30 31

‘Division 9	State intervention powers	1
‘159ZP Definition for div 9		2
‘In this division—		3
<i>local transition committee</i> includes a transferring area local transition committee.		4 5
‘159ZQ Giving of directions under div 9		6
‘(1) This division provides for the giving of directions by the Minister and by the chief executive.		7 8
‘(2) A direction may be given under this division only if the entity exercising the power is satisfied on reasonable grounds of either or both of the following—		9 10 11
(a) the giving of the direction is in the best interests of achieving the proper and efficient implementation of a reform matter;		12 13 14
<i>Example—</i>		15
The Minister or chief executive is satisfied on reasonable grounds that a local transition committee is not able to perform its functions.		16 17 18
(b) if the direction is not given, there is a real possibility that the proper and efficient implementation of a reform matter will not happen.		19 20 21
‘(3) A direction may be given under this division before or after the changeover day for a new or adjusted local government area.		22 23 24
‘(4) This division applies to a continuing local government after the changeover day for the local government.		25 26
‘159ZR Directions by chief executive		27
‘The chief executive may do any of the following—		28
(a) direct a local government, a local transition committee, an interim chief executive officer, an acting chief executive officer or a chief executive officer, to give the chief executive information about a transition matter;		29 30 31 32

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- (b) direct that a meeting of a local transition committee or another group of persons be convened; 1
2
- (c) direct an employee of a local government to take particular action about a transition matter, including, for example— 3
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 - (i) to perform an action that a provision of this part or a reform implementation regulation requires the local government or anyone else to perform; or 6
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 - (ii) to take an action that is consistent with the fulfilling of a responsibility imposed on the local government under this part or a reform implementation regulation. 9
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‘159ZS Powers of Minister

- ‘The Minister may do any of the following— 13
14
- (a) despite any requirement in this part for the composition of a local transition committee, direct a change in the composition of a local transition committee; 15
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- (b) without limiting paragraph (a)— 18
 - (i) direct that a single individual is to act in the place of a local transition committee either generally or for a particular purpose, including for example, to complete a transition action plan; or 19
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 - (ii) direct that a new group of persons is to form a local transition committee in the place of an existing group; 23
24
25
- (c) subject to any reform implementation regulation and to any decision of the Local Government Grants Commission under this part, give directions about the allocation of employees, assets, liabilities and property of any kind between local governments whose local government areas have a transferring area included in them or excluded from them; 26
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- (d) direct that particular functions do not apply to, and may not be performed by, a stated local transition committee. 33
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‘159ZT Compliance with direction	1
‘(1) A person or local government given a direction by the Minister or chief executive under this division must comply with the direction.	2 3 4
‘(2) If a person or local government contravenes subsection (1), the chief executive may direct an officer or employee of the department, or another person, to take all necessary action to ensure that the direction is effectively complied with.	5 6 7 8
‘(3) An officer or employee given a direction under subsection (2) has all the powers of the person or local government that contravenes subsection (1) necessary for ensuring the direction is effectively complied with.	9 10 11 12
‘Division 10 Special arrangements for transition period	13 14
‘159ZU Definition for div 10	15
‘In this division—	16
<i>transition period</i> , for a merging local government, means the period—	17 18
(a) starting on the commencement of this section; and	19
(b) ending on the day immediately before the start of the caretaker period for the election for the new local government in relation to which the local government is a merging local government.	20 21 22 23
‘159ZV Application of div 10	24
‘This division applies to a merging local government only if it does not become an adjusted local government under this part.	25 26
<i>Note</i> —	27
Accordingly, this division does not apply to Ipswich City Council or Torres Shire Council.	28 29

‘159ZW Prohibition on major policy decision in transition period	1
	2
‘(1) A merging local government must not make a major policy decision in the transition period for the local government	3
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‘(2) However, if the local government considers that, having regard to exceptional circumstances that apply, it is necessary to make the major policy decision, the local government must notify the Minister of the making of the decision and the nature of the exceptional circumstances.	5
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‘(3) The Minister may, within 7 days after receiving notice of the making of the major policy decision, revoke the decision if the Minister is not satisfied that, having regard to exceptional circumstances that apply, it is necessary for the local government to make the decision.	10
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‘(4) This section applies despite chapter 6, part 3.	15
‘(5) To remove any doubt, it is declared that a major policy decision for a merging local government does not include a decision about the appointment of a person to act as the chief executive officer of the local government until the changeover day for the new local government area that includes all or part of the local government area of the merging local government.	16
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‘159ZX Invalidity of major policy decision in transition period if decision revoked	22
	23
‘(1) A major policy decision made by a merging local government in the transition period for the local government is invalid if the Minister revokes the local government’s decision under this division.	24
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‘(2) A contract is void if it is the subject of a major policy decision that is invalid.	28
	29
‘(3) A person who acts in good faith in relation to a major policy decision of a local government, or in relation to a contract that is the subject of a major policy decision, but who suffers loss or damage because of any invalidity of the decision under subsection (1) or because the contract is void under subsection (2), has a right to be compensated by the local government for the loss or damage.	30
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- ‘(4) The person may bring a proceeding to recover the compensation in a court of competent jurisdiction. 1
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‘Division 11 Miscellaneous 3

‘159ZY Polls 4

- ‘(1) An existing local government must not conduct a poll under chapter 6, part 2 in its area, or a part of its area, if the question the subject of the poll relates to anything that is, or is in the nature of, a reform matter, or the implementation of a reform matter. 5
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Example— 10

An existing local government must not conduct a poll under chapter 6, part 2 about whether its local government area should be abolished and be included in a new local government area. 11
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- ‘(2) If, before the commencement of this section, a local government had resolved to conduct a poll the conduct of which is prohibited under subsection (1), the local government— 14
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(a) must, despite chapter 6, part 2, take all necessary action to ensure that the poll is not conducted; and 18
19

(b) must give public notice that the poll is not to proceed— 20

(i) by advertisement in a newspaper circulating generally in its local government area or part of its local government area; and 21
22
23

(ii) in any other way that is reasonably appropriate for making the information publicly known. 24
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- ‘(3) A person who is a councillor of a local government must not take any action for the purpose of the conduct of a poll that the local government is prohibited from conducting under this section. 26
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Maximum penalty—15 penalty units. 30

- ‘(4) All persons who contravene subsection (3) in relation to a particular poll, whether or not they are prosecuted under subsection (3), are jointly and severally liable for the total poll amount, which may be recovered by the State, in action as for 31
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a debt for the amount, and reimbursed to the existing local government, or the successor of the existing local government, less the costs of recovering the amount.

- ‘(5) In this section—
- successor*, of an existing local government, means a local government that, under a reform implementation regulation, is the successor of the existing local government.
- total poll amount* means the amount reasonably decided by the Minister as being the total amount of the expenses incurred by the local government in the conduct of the poll after the commencement of this section.

‘159ZZ State Transition Committee

- ‘(1) The chief executive may appoint an advisory committee (the *State Transition Committee*) to provide oversight in relation to the implementation of transition matters.
- ‘(2) The committee may include officers of the department, councillors of local governments and other persons the chief executive decides.
- ‘(3) The chief executive may decide all matters about the establishment and operation of the committee.

‘159ZZA Expiry of pt 1B

‘This part expires at the end of 31 December 2011 or at an earlier time fixed under a regulation.’.

Clause 6 Insertion of new ss 236A and 236B

Chapter 4, part 3, division 1—

insert—

‘236A Remuneration for councillors of local governments

- ‘(1) A local government may, by resolution, authorise the payment of remuneration to a person who is a councillor of the local government.
- ‘(2) The resolution must state—

- (a) the purpose for which the remuneration is to be paid; 1
and 2
- (b) the person entitled to the remuneration; and 3
- (c) the amount of remuneration to be paid. 4
- ‘(3) The local government may authorise the payment of 5
remuneration to a councillor of the local government only if 6
the remuneration is the remuneration stated in the 7
remuneration schedule for the category of local government to 8
which the local government belongs. 9
- ‘(4) However, if the remuneration tribunal acting under section 10
250AL approves a different amount of remuneration for a 11
councillor of the local government, the local government may 12
authorise the payment of remuneration to the councillor only 13
in accordance with the approval. 14
- ‘(5) If a councillor has entered into an arrangement with the local 15
government under section 238A, the amount of remuneration 16
that would otherwise be payable to the councillor under a 17
resolution under this section is reduced by the percentage or 18
amount the councillor has elected to forgo. 19
- ‘(6) A local government must not act under this section in relation 20
to a payment to which section 236B applies. 21
- ‘236B Reimbursement of expenses and provision of 22
facilities for councillors of local governments 23**
- ‘(1) A local government may, by resolution made within 6 months 24
after a quadrennial election is held, authorise— 25
- (a) payment to its councillors of the reasonable expenses 26
incurred, or to be incurred, by the councillors for 27
discharging their duties and responsibilities as 28
councillors; or 29
- (b) the provision of facilities to the councillors for that 30
purpose. 31
- ‘(2) The local government may authorise payment or provision of 32
facilities under subsection (1) only if the payment or provision 33
complies with the local government’s expenses 34
reimbursement policy. 35

‘(3) However, if a councillor of the local government is entitled to receive a benefit or entitlement from the local government because of the councillor’s position as a councillor, the councillor may elect to take a lesser amount than the amount provided for under the expenses reimbursement policy.’.

Clause 7	Amendment of s 237 (Remuneration for service on local government and advisory committees)	6 7
	(1) Section 237, heading—	8
	<i>omit, insert—</i>	9
‘237	Remuneration for person serving on advisory committee’.	10 11
	(2) Section 237(1), from ‘who is’—	12
	<i>omit, insert—</i>	13
	‘who is a member of an advisory committee of the local government who is not a councillor.’.	14 15
	(3) Section 237(3), from ‘according to’—	16
	<i>omit, insert—</i>	17
	‘according to the purpose for which the remuneration is paid or provided.’.	18 19
	(4) Section 237(6)—	20
	<i>omit.</i>	21
Clause 8	Amendment of s 238A (Councillors may make salary sacrifice arrangements)	22 23
	Section 238A(3), definition <i>remuneration entitlement</i> ,	24
	‘section 237’—	25
	<i>omit, insert—</i>	26
	‘section 236A’.	27
Clause 9	Insertion of new ch 4, pt 3, divs 3 and 4	28
	After section 250—	29
	<i>insert—</i>	30

‘Division 3	Local Government Remuneration Tribunal	1 2
‘Subdivision 1	Establishment, functions and membership	3 4
‘250AA Establishment of Local Government Remuneration Tribunal		5 6
	‘The Local Government Remuneration Tribunal is established.	7 8
‘250AB Functions		9
	‘The remuneration tribunal has the following functions—	10
	(a) to establish categories of local governments;	11
	(b) to categorise local governments according to the established categories;	12 13
	(c) to decide remuneration to be paid to councillors, including mayors and deputy mayors;	14 15
	(d) the other functions that the Minister directs the remuneration tribunal to perform.	16 17
‘250AC Members of remuneration tribunal		18
	‘(1) The remuneration tribunal consists of 3 persons, made up of a chairperson and 2 other members.	19 20
	‘(2) Each member of the remuneration tribunal is to be appointed by the Governor in Council for a term of not more than 3 years.	21 22 23
	‘(3) A person is qualified for appointment as a member only if the person—	24 25
	(a) has extensive knowledge of and experience in 1 or more of the following—	26 27
	(i) local government;	28
	(ii) public administration;	29

(iii) law;	1
(iv) public finance;	2
(v) industrial relations;	3
(vi) community affairs; or	4
(b) has other knowledge and experience the Governor in Council considers appropriate.	5 6
‘(4) A person stops being a member if the person—	7
(a) resigns by signed notice of resignation given to the Minister; or	8 9
(b) completes a term of office but is not reappointed; or	10
(c) is removed as a member by the Governor in Council for misbehaviour or physical or mental incapacity; or	11 12
(d) can not continue as a member under section 250AD.	13
‘250AD Disqualification from membership	14
‘A person can not become, or continue as, a member of the remuneration tribunal if the person—	15 16
(a) is, or becomes—	17
(i) a councillor or an employee of a local government; or	18 19
(ii) a director of a significant business entity; or	20
(iii) a contractor of a local government; or	21
(iv) a consultant engaged by a local government; or	22
(b) is, or becomes, an insolvent under administration within the meaning of the Corporations Act, section 9; or	23 24
(c) is, or has been, convicted of an indictable offence and the conviction is not a spent conviction.	25 26

‘250AE Remuneration and appointment conditions of members	1
	2
‘(1) A member of the remuneration tribunal is entitled to be paid the remuneration and allowances decided by the Governor in Council.	3 4 5
‘(2) A person appointed as a member is eligible for reappointment.	6
‘(3) A member of the remuneration tribunal holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.	7 8 9
‘(4) If a commissioner under the <i>Industrial Relations Act 1999</i> is appointed as a member, the person’s appointment does not entitle the person to any remuneration or allowance in addition to the person’s salary or allowance as the holder of the person’s office as a commissioner.	10 11 12 13 14
‘(5) However, the person is entitled to be paid expenses reasonably incurred by the person in performing the functions of a member.	15 16 17
‘Subdivision 2 Staffing arrangements and meetings	18 19
‘250AF Work performance arrangements	20
‘(1) The remuneration tribunal may, for performing its functions effectively and efficiently, enter into a work performance arrangement with the chief executive.	21 22 23
‘(2) A work performance arrangement may make provision for all matters necessary and convenient to be provided under the arrangement, including providing for—	24 25 26
(a) the appointment of a public service employee to an office, and the holding of the office by the person, for the arrangement; and	27 28 29
(b) the authorising of a public service employee to exercise powers for the arrangement.	30 31
‘(3) If a public service employee performs work for the remuneration tribunal under a work performance arrangement, the person—	32 33 34

(a)	is not employed by the remuneration tribunal; and	1
(b)	remains an employee of the department.	2
‘(4)	To remove any doubt, it is declared that the remuneration tribunal is not authorised to employ a public service employee performing work for the remuneration tribunal under a work performance arrangement.	3 4 5 6
‘(5)	In this section—	7
	<i>work performance arrangement</i> means an arrangement under which a public service employee of the department performs work for the remuneration tribunal.	8 9 10
‘250AG	Conduct of meetings	11
‘(1)	Subject to subsections (2) and (3), meetings of the remuneration tribunal are to be held at the times and places it decides.	12 13 14
‘(2)	A member of the remuneration tribunal may call a meeting at any time by giving the other members of the remuneration tribunal at least 7 days written notice of the meeting.	15 16 17
‘(3)	If the Minister asks the remuneration tribunal to discuss a local government matter, a meeting of the remuneration tribunal to discuss the matter must be held within 14 days after the Minister’s request.	18 19 20 21
‘Subdivision 3	Categorising local governments	22
‘250AH	Establishing categories of local governments	23
‘(1)	The remuneration tribunal must establish categories of local governments for this division.	24 25
‘(2)	The purpose of establishing categories of local governments is to enable the remuneration tribunal to decide the remuneration that may be paid to mayors and other councillors of local governments in each category of local government.	26 27 28 29

‘250AI Criteria for establishing categories	1
‘For establishing categories of local governments, the remuneration tribunal must having regard to the following criteria—	2 3 4
(a) the size, and geographical and environmental terrain, of local government areas;	5 6
(b) the populations of local government areas, including the areas’ demographics, the spread of populations serviced by the local governments and the extent of the services the local governments provide;	7 8 9 10
(c) the size of local governments and the workload associated with particular sizes, including whether councillors of the local governments hold office on a full-time or part-time basis;	11 12 13 14
(d) the diversity, including cultural diversity, of local governments’ communities;	15 16
(e) the extent of development of local government areas, including economic and community development, infrastructure and industry;	17 18 19
(f) other matters the remuneration tribunal considers relevant to the effectiveness, efficiency and sustainability of local governments;	20 21 22
(g) other matters prescribed under a regulation.	23
‘250AJ Deciding and reviewing categories of local governments to which local governments belong	24 25
‘(1) The remuneration tribunal must, for each local government, decide the category of local government to which the local government belongs.	26 27 28
‘(2) When making a decision about a local government under subsection (1), the remuneration tribunal must have regard to the criteria it used for establishing categories of local governments.	29 30 31 32
‘(3) The remuneration tribunal must, at least every 4 years, review the categories of local governments established under section 250AH.	33 34 35

‘(4) After reviewing the categories, the remuneration tribunal must—	1 2
(a) decide whether to amend the established categories; and	3
(b) if any category of local government is amended, again decide the categories of any local governments affected by the amendment.	4 5 6
‘Subdivision 4 Remuneration schedule	7
‘250AK Deciding remuneration	8
‘(1) The remuneration tribunal must, on or before 1 December in each year and for each category of local government, decide the remuneration that may be paid in the following year to—	9 10 11
(a) a councillor, other than a mayor, of a local government in the category; and	12 13
(b) to a mayor of a local government in the category.	14
‘(2) However, the remuneration decided under subsection (1) must not include any amount for expenses to be paid or facilities to be provided to a councillor of a local government under its expenses reimbursement policy.	15 16 17 18
‘(3) The remuneration tribunal must prepare a schedule (the <i>remuneration schedule</i>) that lists the amounts decided under subsection (1) for each category of local government for the year to which it applies.	19 20 21 22
‘(4) In making a decision under subsection (1), the remuneration tribunal must have regard to—	23 24
(a) the provisions of this Act about entitlements and responsibilities of councillors of local governments; and	25 26
(b) community expectations about what is appropriate remuneration in the circumstances.	27 28
‘250AL Discretion to vary remuneration in exceptional circumstances	29 30
‘(1) This section applies if a local government considers that, having regard to exceptional circumstances that apply, a	31 32

councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.	1 2 3 4
‘(2) The local government may make a submission to the remuneration tribunal for approval to vary the remuneration that the councillor may be paid.	5 6 7
‘(3) The remuneration tribunal may, but is not required to, consider the submission.	8 9
‘(4) If the remuneration tribunal considers the submission and is satisfied that, having regard to the exceptional circumstances that apply, the councillor is entitled to a different amount of remuneration from that stated in the remuneration schedule, the remuneration tribunal may approve payment of the different remuneration.	10 11 12 13 14 15
‘Subdivision 5 Inquiries conducted by remuneration tribunal	16 17
‘250AM Remuneration tribunal may make inquiries	18
‘For performing its functions under this Act, the remuneration tribunal may make the inquiries it considers necessary.	19 20
‘250AN Conduct of inquiries	21
‘(1) When making inquiries, the remuneration tribunal—	22
(a) is not bound by technicalities, legal forms or rules of evidence; and	23 24
(b) may inform itself in any way the remuneration tribunal considers appropriate; and	25 26
(c) may decide the procedures to be followed; and	27
(d) may conduct any proceedings in the way the remuneration tribunal considers appropriate.	28 29
‘(2) For subsection (1)(b), the remuneration tribunal may consult with persons as the remuneration tribunal considers appropriate.	30 31 32

‘(3) If the remuneration tribunal is conducting an inquiry into a particular matter, the remuneration tribunal must—	1 2
(a) invite submissions on the matter from local governments, interested groups and persons and members of the public; and	3 4 5
(b) state the period within which submissions must be made.	6 7
‘(4) Before making a decision about the matter, the remuneration tribunal must have regard to any submissions made to the remuneration tribunal within the stated period.	8 9 10
‘(5) The remuneration tribunal may—	11
(a) require information or submissions to be presented in writing; and	12 13
(b) decide the matters on which information or submissions may be presented orally.	14 15
‘250AO Membership of remuneration tribunal changes during inquiry	16 17
‘(1) This section applies if—	18
(a) the remuneration tribunal is conducting an inquiry into a particular matter; and	19 20
(b) a member of the remuneration tribunal stops being a member and is replaced by another person who becomes a member.	21 22 23
‘(2) The inquiry may be finished by the remuneration tribunal as reconstituted.	24 25
‘(3) Any decision of the reconstituted remuneration tribunal in relation to a matter the subject of the inquiry has the same force and effect as if the membership of the remuneration tribunal had not changed.	26 27 28 29

‘Subdivision 6	Reports	1
‘250AP Remuneration tribunal reports		2
‘(1)	The remuneration tribunal must prepare a written report each year on—	3 4
(a)	the establishment of categories of local governments; and	5 6
(b)	the category of local government to which each local government belongs; and	7 8
(c)	the remuneration schedule for the year; and	9
(d)	any approvals made under section 250AL in the previous year.	10 11
‘(2)	The report must be signed by each member of the remuneration tribunal.	12 13
‘(3)	The remuneration tribunal must, within 7 days after making a decision about the remuneration schedule for each year, give the report to the Minister.	14 15 16
‘250AQ Notification and tabling of report		17
‘The Minister must, as soon as practicable after receiving the report—		18 19
(a)	publish in the gazette—	20
(i)	the categories of local governments established by the remuneration tribunal; and	21 22
(ii)	the category to which each local government belongs; and	23 24
(iii)	the remuneration schedule; and	25
(b)	table the report in the Legislative Assembly.	26

‘Division 4	Reimbursement of expenses and provision of facilities	1 2
‘250AR Requirement to adopt expenses reimbursement policy		3 4
‘(1) A local government must adopt, by resolution, an expenses and provision of facilities policy (an <i>expenses reimbursement policy</i>) that complies with the requirements under the Act and any relevant guidelines issued by the chief executive.		5 6 7 8
‘(2) The policy must provide for—		9
(a) payment to councillors of the local government of the reasonable expenses incurred, or to be incurred, by the councillors for discharging their duties and responsibilities as councillors; and		10 11 12 13
(b) the provision of facilities to the councillors for that purpose.		14 15
‘(3) An expenses reimbursement policy adopted by the local government must be notified as required under this division.		16 17
‘250AS Amending expenses reimbursement policy		18
‘(1) A local government may amend, by resolution, its expenses reimbursement policy.		19 20
‘(2) The amendment of the policy must be notified as required under this division.		21 22
‘250AT Notification of adoption of expenses reimbursement policy		23 24
‘(1) As soon as practicable after a local government adopts its expenses reimbursement policy, the local government must give public notice of the policy.		25 26 27
‘(2) The public notice must be published in a newspaper circulating generally in the local government area.		28 29

	'250AU Meetings in public about expenses reimbursement policy	1 2
	'A local government must not resolve under section 463 that a meeting at which a proposed expenses reimbursement policy is discussed, or an expenses reimbursement policy is adopted or amended, be closed.'	3 4 5 6
Clause 10	Amendment of s 534 (Content of report about other issues of public interest)	7 8
	(1) Section 534(1)—	9
	<i>insert—</i>	10
	'(ea) a copy of the local government's expenses reimbursement policy; and'.	11 12
	(2) Section 534(1)(f), 'remuneration'—	13
	<i>omit, insert—</i>	14
	'remuneration, including expenses paid or facilities provided,'.	15 16
	(3) Section 534(1)(g)(i), 'by it'—	17
	<i>omit, insert—</i>	18
	'by it, including expenses paid or facilities provided,'.	19
Clause 11	Amendment of s 867 (Step 2—ensure proposed law satisfactorily deals with any State interest)	20 21
	Section 867(4), 'makes a minor amendment of an existing law (including, for example, the correction of a minor error)'—	22 23
	<i>omit, insert—</i>	24
	'amends an existing law to make an insubstantial change (including, for example, a change necessary for consistency with the local government's planning scheme or as a consequence of an amendment of this or another Act)'.	25 26 27 28
Clause 12	Insertion of new ch 12, pt 2, div 6	29
	After section 893—	30

<i>insert—</i>	1
‘Division 6 Anti-competitive provisions of existing local laws and existing subordinate local laws	2 3 4
‘893A Application of div 6	5
‘This division applies to a local law or subordinate local law for which a local government has resolved under division 5, or chapter 19, part 1, division 4 as in force immediately before the commencement of this section, to retain an anti-competitive provision.	6 7 8 9 10
‘893B Definitions for div 6	11
‘In this division—	12
<i>expiry date</i> means—	13
(a) for the first review date—31 December 2010; or	14
(b) for a subsequent review date—31 December in the year that is 2 years after the review date.	15 16
<i>first review date</i> means 1 January 2008.	17
<i>public interest test</i> means a review of an anti-competitive provision of a local law or subordinate local law under this division.	18 19 20
<i>public interest test report</i> means the report, including recommendations, on a public interest test.	21 22
<i>review date</i> means the first review date or a subsequent review date.	23 24
<i>subsequent review date</i> means 1 January 2018, and each 1 January that is the tenth anniversary of the preceding subsequent review date.	25 26 27

‘893C Expiry of local laws and subordinate local laws unless local government complies with division	1
	2
‘(1) A local law or subordinate local law in force on a review date expires on the expiry date for the review date unless the local government complies with this division.	3
	4
	5
<i>Note—</i>	6
See also section 899B for other expiry of local laws and subordinate local laws.	7
	8
‘(2) However, subsection (1) does not apply if the local government repeals each anti-competitive provision in the local law or subordinate local law before the expiry date for the review date.	9
	10
	11
	12
‘893D Review of anti-competitive provisions in local laws and subordinate local laws	13
	14
‘A local government must carry out a review of the anti-competitive provisions in its local laws and subordinate local laws to which this division applies.	15
	16
	17
‘893E Public interest test of anti-competitive provisions	18
‘(1) A local government must ensure a public interest test is carried out and a public interest test report is prepared for each of its anti-competitive provisions.	19
	20
	21
‘(2) A public interest test report must, for each anti-competitive provision, recommend—	22
	23
(a) that the provision should be retained as it is no longer an anti-competitive provision; or	24
	25
(b) for a provision that the report states is an anti-competitive provision—that the whole or part of the provision—	26
	27
	28
(i) in the public interest, should be retained, whether in its current or another form; or	29
	30
(ii) should not be retained.	31
‘(3) For subsection (2), it is in the public interest for an anti-competitive provision to be retained, whether in its current or another form, if—	32
	33
	34

(a)	the benefits of the provision to the community as a whole outweigh the costs; and	1 2
(b)	the most appropriate way of achieving the objectives of the local law or subordinate local law is by restricting competition in the way provided in the provision.	3 4 5
'893F	Local government to decide on test and report process	6 7
'(1)	The local government must decide—	8
(a)	how the public interest test is to be conducted; and	9
(b)	the matters with which the public interest test report must deal.	10 11
'(2)	The decision must provide for a consultation process for the public interest test and state how the process is to be used in the test.	12 13 14
	<i>Example—</i>	15
	A local government may decide that the consultation process concerning anti-competitive provisions must include—	16 17
(a)	giving notice of the test and inviting submissions about the test; and	18 19
(b)	a period for submissions to be received; and	20
(c)	direct consultation with interested parties; and	21
(d)	consideration of the submissions received about the test.	22
'(3)	The decision is subject to a regulation under section 893L.	23
'893G	Public interest test report to be presented to local government meeting	24 25
	'As soon as practicable after a public interest test report is completed, it must be presented to a meeting of the local government.	26 27 28
'893H	Local government to resolve whether to implement recommendations of public interest test	29 30
'(1)	After a public interest test report has been presented to a meeting of a local government, the local government must	31 32

resolve whether to implement the recommendations of the report.	1 2
‘(2) A local government may make a contrary resolution about an anti-competitive provision only if the local government resolves that—	3 4 5
(a) the benefits of the provision in the local law or subordinate local law to the community as a whole outweigh the costs; and	6 7 8
(b) the most appropriate way of achieving the objectives of the local law or subordinate local law is by restricting competition in the way provided in the provision.	9 10 11
‘(3) A resolution under subsection (2) must include a statement of the reasons for finding—	12 13
(a) the benefits of the provision to the community as a whole outweigh the costs; and	14 15
(b) the most appropriate way of achieving the objectives of the local law or subordinate local law is by restricting competition in the way provided in the provision.	16 17 18
‘(4) As soon as practicable after making a resolution under this section, the local government must advise the Minister of its resolution.	19 20 21
‘(5) In this section—	22
<i>contrary resolution</i> means a resolution by a local government to—	23 24
(a) retain an anti-competitive provision of a local law or subordinate local law despite a recommendation in a public interest test report that the provision should be repealed; or	25 26 27 28
(b) amend an anti-competitive provision of a local law or subordinate local law contrary to a recommendation in a public interest test report.	29 30 31
‘8931 Public interest test reports open to inspection	32
‘From the day the public interest test report is presented to a meeting of a local government, the report must be open to inspection.	33 34 35

‘893J Repeal or amendment of anti-competitive provision	1
‘(1) If a local government resolves to repeal or amend an anti-competitive provision of a local law under this division, it must, by resolution, make a local law repealing or amending the provision (a <i>new local law</i>).	2 3 4 5
‘(2) If a local government resolves to repeal or amend an anti-competitive provision of a subordinate local law under this division, it must, by resolution, make a subordinate local law repealing or amending the provision (a <i>new subordinate local law</i>).	6 7 8 9 10
‘(3) The local government must give notice of the making of the new local law or new subordinate local law.	11 12
‘(4) The notice must state the following—	13
(a) the name of the local government making the new local law or new subordinate local law;	14 15
(b) the name of the new local law or new subordinate local law;	16 17
(c) the date of the local government’s resolution making the new local law or new subordinate local law;	18 19
(d) the name of the local law or subordinate local law;	20
(e) that there is an anti-competitive provision in the local law or subordinate local law;	21 22
(f) that the provision has been repealed or amended;	23
(g) that a certified copy of the new local law or new subordinate local law is open to inspection at the local government’s public office and at the department’s State office.	24 25 26 27
‘(5) The notice must be published in the gazette.	28
‘(6) The local government’s chief executive officer must certify the required number of copies of the new local law or new subordinate local law to be the new local law or new subordinate local law as made by the local government.	29 30 31 32
‘(7) As soon as practicable after the making of the new local law or new subordinate local law, the local government must give the Minister—	33 34 35

	(a) a copy of the notice; and	1
	(b) the required number of certified copies of the new local law or new subordinate local law.	2 3
	‘(8) Part 2 does not apply to a new local law or new subordinate local law made under this section.	4 5
	‘893K Timing for resolution and implementation	6
	‘For a local law or subordinate local law, a local government must make a resolution under section 893H and, if necessary, implement the resolution under section 893J, on or before the expiry date for the review date.	7 8 9 10
	‘893L Regulation about public interest tests and public interest test reports	11 12
	‘A regulation may prescribe—	13
	(a) the procedures to be followed and criteria to be used to review anti-competitive provisions of local laws or subordinate local laws; and	14 15 16
	(b) requirements for public interest tests and public interest test reports; and	17 18
	(c) the giving of information by local governments to the Minister.’.	19 20
Clause 13	Amendment of ch 12, pt 4, hdg	21
	Chapter 12, part 4, heading, ‘and subordinate local laws’—	22
	<i>omit, insert—</i>	23
	‘, subordinate local laws and consolidated versions of local laws and subordinate local laws’.	24 25
Clause 14	Insertion of new s 897B	26
	After section 897A—	27
	<i>insert—</i>	28

‘897B Consolidated versions of local laws and subordinate local laws	1
	2
‘(1) A local government may prepare and adopt a consolidated version of a local law or subordinate local law.	3
	4
‘(2) Part 2 does not apply to the making or notification of the consolidated version of the local law or consolidated subordinate local law.	5
	6
	7
‘(3) Also, part 2 does not apply to the making of a minor amendment of a local law or subordinate local law (the <i>amendment law</i>) if the local government incorporates the amendment law into a consolidated version of the local law or subordinate local law.	8
	9
	10
	11
	12
‘(4) However, for subsection (3)—	13
(a) the local government must, by resolution, make the amendment law; and	14
	15
(b) the local government’s chief executive officer must certify the required number of copies of the amendment law to be the amendment law as made by the local government; and	16
	17
	18
	19
(c) the local government must notify the making of the amendment law as required under part 2.	20
	21
‘(5) The consolidated version of a local law or subordinate local law is, in the absence of evidence to the contrary, taken to be the local government’s local law or subordinate local law on and from the day the consolidated version of the local law or subordinate local law is adopted by the local government.	22
	23
	24
	25
	26
‘(6) As soon as practicable after the local government adopts the consolidated version of the local law or subordinate local law, the local government must give the chief executive a certified copy of the consolidated version of the local law or subordinate local law.’.	27
	28
	29
	30
	31
Clause 15 Amendment of s 898 (Proof of local laws and subordinate local laws)	32
	33
(1) Section 898, heading, ‘and subordinate local laws’—	34
<i>omit, insert—</i>	35

‘, subordinate local laws and consolidated versions of local laws and subordinate local laws’. 1
2

(2) Section 898, ‘or subordinate local law’— 3

omit, insert— 4

‘, subordinate local law or consolidated version of a local law or subordinate local law’.

 5
6

Clause 16 Amendment of s 899A (Definitions for pt 5) 7

(1) Section 899A, definition *expiry date*, paragraph (a), ‘2012’— 8

omit, insert— 9

‘2010’. 10

(2) Section 899A, definition *first review date*, ‘2010’— 11

omit, insert— 12

‘2008’. 13

(3) Section 899A, definition *subsequent review date*, ‘1 January in each tenth year after 1 January 2010’— 14
15

omit, insert— 16

‘1 January 2018, and each 1 January that is the tenth anniversary of the preceding subsequent review date’.

 17
18

Clause 17 Omission of ch 19, pt 1, div 4 (Anti-competitive provisions of existing local laws and existing subordinate local laws) 19
20
21

Chapter 19, part 1, division 4— 22

omit. 23

Clause 18 Insertion of new ch 19, pt 12 24

After section 1273— 25

insert— 26

‘Part 12	Transitional provisions for	1
	Local Government Reform Act	2
	2007	3
‘1274	Review of anti-competitive provisions of local laws	4
	and subordinate local laws made in 2007	5
‘(1)	This section applies to a local law or subordinate local law if—	6 7
	(a) the local law or subordinate local law is made in 2007; and	8 9
	(b) the local law or subordinate local law contains an anti-competitive provision.	10 11
‘(2)	For applying section 893C to the local law or subordinate local law—	12 13
	(a) section 893B, definition <i>expiry date</i> , paragraph (a), applies as if ‘2010’ were replaced by ‘2020’; and	14 15
	(b) section 893B, definition <i>first review date</i> , applies as if ‘2008’ were replaced by ‘2018’; and	16 17
	(c) section 893B, definition <i>subsequent review date</i> , applies as if ‘2018’ were replaced by ‘2028’.	18 19
‘(3)	In this section—	20
	<i>anti-competitive provision</i> has the same meaning as it has under section 885 for a proposed local law or proposed subordinate local law.	21 22 23
‘1275	Public office for new local government	24
‘(1)	This section applies despite section 37.	25
‘(2)	A new local government must decide the premises that is to be its public office as soon as possible after the changeover day for its new local government area, but in any event, within 1 year after the changeover day.	26 27 28 29
‘(3)	Until its public office is established, the new local government may keep 2 or more premises within the new local government area, each as its public office.	30 31 32

- ‘(4) Each premises kept as a public office under subsection (3) must be premises that were the public office of a merging local government before the changeover day.
- ‘(5) However, for applying a provision of this Act that refers to the public office of a local government, the reference to the public office may be taken to be a reference to the public office of the new local government that is most closely related to the matter the subject of the provision.
- Example—*
- If under this Act a local government is required to keep a document open for inspection at its public office, the new local government may comply with the provision by keeping the document open for inspection at the public office located in what was the local government area to which the document is most closely related.’.

Clause 19 Insertion of new schs 1A–1C 15

After schedule 1— 16

insert— 17

‘Schedule 1A Local government reform implementation 18 19

sections 159YG to 159YL 20

‘Part 1 New local governments 21

Column 1	Column 2	Column 3	Column 4	Column 5
Local government	Class	Area map	Number of councillors assigned to each division	Total number of councillors (including mayor)
Barcaldine	region	LGRB 5	area not divided	7
Blackall Tambo	region	LGRB 8	divided	5
Bundaberg	region	LGRB 11	divided	11
Cairns	region	LGRB 14	divided	11

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Column 1	Column 2	Column 3	Column 4	Column 5
Local government	Class	Area map	Number of councillors assigned to each division	Total number of councillors (including mayor)
Cassowary Coast	region	LGRB 16	divided	7
Central Highlands	region	LGRB 25	divided	9
Charters Towers	region	LGRB 17	area not divided	7
Dalby	region	LGRB 22	area not divided	9
Fraser Coast	region	LGRB 28	area not divided	11
Gladstone	region	LGRB 29	area not divided	9
Goondiwindi	region	LGRB 31	area not divided	7
Gympie	region	LGRB 32	area not divided	9
Isaac	region	LGRB 36	divided	9
Lockyer Valley	region	LGRB 39	area not divided	7
Longreach	region	LGRB 41	divided	7
Mackay	region	LGRB 42	divided	11
Moreton Bay	region	LGRB 50	divided	13
North Burnett	region	LGRB 49	divided	7
Northern Peninsula Area	region	LGRB 51	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1	6
Rockhampton	region	LGRB 58	divided	11
Roma	region	LGRB 59	area not divided	9
Scenic Rim	region	LGRB 7	divided	7
Somerset	region	LGRB 60	area not divided	7
South Burnett	region	LGRB 61	divided	7
Southern Downs	region	LGRB 62	area not divided	9
Sunshine Coast	region	LGRB 63	divided	13
Tablelands	region	LGRB 64	divided	9

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Column 1	Column 2	Column 3	Column 4	Column 5
Local government	Class	Area map	Number of councillors assigned to each division	Total number of councillors (including mayor)
Toowoomba	region	LGRB 65	divided	11
Torres Strait Island	region	LGRB 67	division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1 division 11—1 division 12—1 division 13—1 division 14—1 division 15—1	16
Townsville	city	LGRB 68	area not divided	13
Whitsunday	region	LGRB 69	divided	7

'Part 2 Adjusted local governments

1

Column 1	Column 2	Column 3	Column 4	Column 5
Local government	Class	Area map	Number of councillors assigned to each division	Total number of councillors (including mayor)
Banana	shire	LGRB 4	divided	7
Cook	shire	LGRB 20	divided	7
Gold Coast	city	LGTA 30	divided	15
Hope Vale	shire	LGRB 34	area not divided	5
Ipswich	city	LGTA 35	divided	11
Logan	city	LGTA 40	divided	13

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Column 1	Column 2	Column 3	Column 4	Column 5
Local government	Class	Area map	Number of councillors assigned to each division	Total number of councillors (including mayor)
Mornington	shire	LGTA 45	area not divided	5
Torres	shire	LGRB 66	area not divided	5
Wujal Wujal	shire	LGRB 72	area not divided	5

'Part 3 Continuing local governments

1

Column 1	Column 2	Column 3	Column 4	Column 5
Local government	Class	Area map	Number of councillors assigned to each division	Total number of councillors (including mayor)
Aurukun	shire	LGRB 2	area not divided	5
Balonne	shire	LGRB 3	area not divided	5
Barcoo	shire	LGRB 6	area not divided	5
Boulia	shire	LGRB 9	divided	5
Bulloo	shire	LGRB 10	area not divided	5
Burdekin	shire	LGRB 12	area not divided	7
Burke	shire	LGRB 13	area not divided	5
Carpentaria	shire	LGRB 15	area not divided	5
Cherbourg	shire	LGRB 18	area not divided	5
Cloncurry	shire	LGRB 19	area not divided	5
Croydon	shire	LGRB 21	area not divided	5
Diamantina	shire	LGRB 23	area not divided	5
Doomadgee	shire	LGRB 24	area not divided	5
Etheridge	shire	LGRB 26	divided	5
Flinders	shire	LGRB 27	area not divided	5

Cassowary Coast Regional Council	1
• 2 councillors from Cardwell Shire Council	2
• the administrator of Johnstone Shire Council, who is eligible to be chosen as the chairperson of the local transition committee, and the member of the community reference group established for Johnstone Shire Council chosen by the administrator	3 4 5 6 7
• union representatives as provided for in chapter 3, part 1B, division 4, subdivision 1	8 9
• the interim chief executive officer for the new local government area as provided for in chapter 3, part 1B, division 4, subdivision 1	10 11 12
Torres Strait Island Regional Council	13
• 1 representative from each island council whose council area is included in Torres Strait Island Regional Council, who must be the chairperson of the island council, or a councillor who is the delegate of the chairperson	14 15 16 17
• union representatives as provided for in chapter 3, part 1B, division 4, subdivision 1	18 19
• the interim chief executive officer for the new local government area as provided for in chapter 3, part 1B, division 4, subdivision 1	20 21 22
‘Schedule 1C Composition of transferring area local transition committees	23 24 25
	section 159YY 26
Transferring area local transition committee for transferring area A (Logan/Beaudesert)	27 28

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•	2 councillors each from Logan City Council and Beaudesert Shire Council	1 2
•	union representatives as provided for a local transition committee in chapter 3, part 1B, division 4, subdivision 1	3 4 5
•	the chief executive officer of each of Logan City Council and Beaudesert Shire Council	6 7
	Transferring area local transition committee for transferring area D (Logan/Gold Coast)	8 9
•	2 councillors each from Logan City Council and Gold Coast City Council	10 11
•	union representatives as provided for a local transition committee in chapter 3, part 1B, division 4, subdivision 1	12 13 14
•	the chief executive officer of each of Logan City Council and Beaudesert Shire Council	15 16
	Transferring area local transition committee for transferring area E (Banana/Taroom)	17 18
•	2 councillors each from Banana Shire Council and Taroom Shire Council	19 20
•	union representatives as provided for a local transition committee in chapter 3, part 1B, division 4, subdivision 1	21 22 23
•	the chief executive officer of each of Banana Shire Council and Taroom Shire Council’.	24 25
Clause 20	Amendment of sch 2 (Dictionary)	26
(1)	Schedule 2—	27
	<i>insert—</i>	28
	‘ <i>auditor-general</i> ’ means the Queensland Auditor-General under the <i>Financial Administration and Audit Act 1977</i> .	29 30

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- category of local government***, for chapter 4, part 3, division 3, means each category of local government established under section 250AH. 1
2
3
- consolidated version***, of a local law or subordinate local law, means a document that accurately combines a local government's local law or subordinate local law, as originally made, with all amendments made to the local law or subordinate local law since the local law or subordinate local law was originally made. 4
5
6
7
8
9
- expenses reimbursement policy*** see section 250AR(1). 10
- electoral commission*** means the Electoral Commission of Queensland under the *Electoral Act 1992*. 11
12
- minor amendment***, of a local law, means an amendment correcting or changing— 13
14
- (a) the format or presentation of the local law; or 15
- (b) a grammatical error in the local law; or 16
- (c) a factual matter incorrectly stated in the local law; or 17
- (d) redundant or outdated terms. 18
- reform commission*** see section 159D. 19
- remuneration schedule*** see section 250AK(3). 20
- remuneration tribunal*** means the Local Government Remuneration Tribunal established under section 250AA. 21
22
- (2) Schedule 2, definition *drafting certificate*, 'and a lawyer'— 23
omit. 24
- (3) Schedule 2, definition *remuneration*, from 'includes—' 25
omit, insert— 26
'includes—' 27
- (a) any fees or allowances paid to the councillor or member by the local government; and 28
29
- (b) any reimbursement of expenses paid, or any facilities provided, to the councillor or member by the local government; and 30
31
32

- (c) any benefit or entitlement provided to the councillor or member by the local government.’. 1
2

Part 3 **Amendment of City of Brisbane Act 1924** 3
4

- Clause 21** **Act amended in pt 3** 5
This part amends the *City of Brisbane Act 1924*. 6

- Clause 22** **Insertion of new pt 2, div 5A** 7
Part 2— 8
insert— 9

‘Division 5A **Special provisions for 2008 quadrennial elections** 10
11

- ‘17B** **Quadrennial elections in 2008 to be held on 15 March instead of 29 March** 12
13
‘(1) For 2008, and despite section 16(2), the date for the holding of the quadrennial election of the mayor and other councillors is 14
15
15 March 2008. 16
‘(2) A different date for 2008 may be fixed by regulation under 17
section 16(3). 18

- ‘17C** **Conduct of 2008 quadrennial elections by electoral commission under s 17A** 19
20
‘(1) The 2008 quadrennial elections of the mayor and other 21
councillors must be conducted by the electoral commission 22
under section 17A. 23
‘(2) If the council does not enter into an agreement with the 24
electoral commission under section 17A, the council and the 25
electoral commission are taken, for section 17A, to have 26
entered into an agreement in the terms the Minister directs. 27

'17D Expiry of div 5A	1
'This division expires at the end of 31 December 2008, or at an earlier time fixed under a regulation.'	2 3

Schedule	Minor amendments	1
	section 2	2
Local Government Act 1993		3
1	Section 159E(1)(d), ‘, other than as that division is applied under section 159Z’—	4
	<i>omit.</i>	5
		6
2	Chapter 18, part 2—	7
	<i>insert—</i>	8
	‘1205B Provision for amended s 428	9
	‘(1) The word ‘ <i>omit</i> ,’ is taken never to have been included in the amending provision.	10
		11
	‘(2) This section expires at the end of the day after it commences.	12
	‘(3) This section is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies.	13
		14
	‘(4) In this section—	15
	<i>amending provision</i> means the <i>Local Government and Other Legislation Amendment Act 2007</i> , section 41(5).’.	16
		17