



Queensland

Local Government and Other Legislation Amendment Bill (No. 2) 2015



Queensland

Local Government and Other Legislation Amendment Bill (No. 2) 2015

Contents

		Page
Part 1	Preliminary	
1	Short title	4
Part 2	Amendment of City of Brisbane Act 2010	
2	Act amended	4
3	Amendment of s 92D (Prohibition on election material in caretaker period)	4
Part 3	Amendment of Local Government Act 2009	
4	Act amended	5
5	Amendment of s 90D (Prohibition on election material in caretaker period)	5
Part 4	Amendment of Local Government Electoral Act 2011	
6	Act amended	5
7	Amendment of s 84 (How electors must record a vote on a ballot paper—first-past-the-post voting)	5
Part 5	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	
8	Act amended	6
9	Amendment of s 99BRCK (Requirements for infrastructure charges notice)	6
Part 6	Amendment of Sustainable Planning Act 2009	
10	Act amended	7
11	Amendment of s 637 (Requirements for infrastructure charges notice)	7
12	Amendment of s 975 (Definitions for pt 11)	7
13	Insertion of new s 975A	7
	975A Cut-off date for particular local governments	8
14	Amendment of s 979 (Charges resolutions until 1 July 2016)	8
15	Amendment of s 982 (PIP to LGIP)	9

Contents

16	Amendment of s 983 (Existing SPRP for adopted charges)	9
17	Amendment of s 996 (Provision for planning schemes in effect before 4 July 2014 that do not include an LGIP or PIP)	10
18	Insertion of new of ch 10, pt 14	10
	Part 14 Transitional and validating provisions for Local Government and Other Legislation Amendment Act (No. 2) 2015	
	997 Extension of time for particular planning schemes . . .	11
	998 Validation provision for particular charges resolutions	12

2015

A Bill

for

An Act to amend the *City of Brisbane Act 2010*, the *Local Government Act 2009*, the *Local Government Electoral Act 2011*, the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* and the *Sustainable Planning Act 2009* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Local Government and Other
Legislation Amendment Act (No. 2) 2015*. 4
5

**Part 2 Amendment of City of Brisbane
Act 2010** 6
7

Clause 2 Act amended 8

This part amends the *City of Brisbane Act 2010*. 9

**Clause 3 Amendment of s 92D (Prohibition on election material in
caretaker period)** 10
11

Section 92D— 12

insert— 13

(3) The prohibition under subsection (1) does not 14
apply to making a how-to-vote card available 15
under the *Local Government Electoral Act 2011*, 16
section 179(6). 17

Part 3	Amendment of Local Government Act 2009	1 2
Clause 4	Act amended	3
	This part amends the <i>Local Government Act 2009</i> .	4
Clause 5	Amendment of s 90D (Prohibition on election material in caretaker period)	5 6
	Section 90D—	7
	<i>insert—</i>	8
	(3) The prohibition under subsection (1) does not apply to making a how-to-vote card available under the <i>Local Government Electoral Act 2011</i> , section 179(6).	9 10 11 12
Part 4	Amendment of Local Government Electoral Act 2011	13 14
Clause 6	Act amended	15
	This part amends the <i>Local Government Electoral Act 2011</i> .	16
Clause 7	Amendment of s 84 (How electors must record a vote on a ballot paper—first-past-the-post voting)	17 18
	(1) Section 84(2)—	19
	<i>omit.</i>	20
	(2) Section 84(3), ‘For an election of other councillors, an’—	21
	<i>omit, insert—</i>	22
	An	23

[s 8]

- (3) Section 84(3)— 1
renumber as section 84(2). 2

Part 5 **Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009** 3
4
5
6

- Clause 8** **Act amended** 7
This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*. 8
9

- Clause 9** **Amendment of s 99BRCK (Requirements for infrastructure charges notice)** 10
11
Section 99BRCK— 12
insert— 13
(1A) However, the infrastructure charges notice need 14
not include the information mentioned in 15
subsection (1)(f) if the person who is to receive 16
the notice has— 17
(a) advised, in writing, the distributor-retailer 18
giving the notice that the information need 19
not be included in the notice; or 20
(b) indicated, in an approved form, that the 21
information need not be included in the 22
notice. 23

Part 6	Amendment of Sustainable Planning Act 2009	1 2
Clause 10	Act amended	3
	This part amends the <i>Sustainable Planning Act 2009</i> .	4
Clause 11	Amendment of s 637 (Requirements for infrastructure charges notice)	5 6
	Section 637—	7
	<i>insert—</i>	8
	(1A) However, the infrastructure charges notice need not include the information mentioned in subsection (1)(f) if the person who is to receive the notice has—	9 10 11 12
	(a) advised, in writing, the local government giving the notice that the information need not be included in the notice; or	13 14 15
	(b) indicated, in an approved form, that the information need not be included in the notice.	16 17 18
Clause 12	Amendment of s 975 (Definitions for pt 11)	19
	Section 975—	20
	<i>insert—</i>	21
	<i>cut-off date</i> , for a local government, see section 975A.	22 23
Clause 13	Insertion of new s 975A	24
	Chapter 10, part 11, division 1—	25
	<i>insert—</i>	26

[s 14]

975A Cut-off date for particular local governments	1
(1) The <i>cut-off date</i> , for a local government is—	2
(a) if the local government is granted an extension of time under section 997—the day after the extension ends; or	3 4 5
(b) otherwise—1 July 2016.	6
(2) However, if the local government takes either of the following actions before its cut-off date under subsection (1), the <i>cut-off date</i> for the local government is the day it takes the action—	7 8 9 10
(a) amends its planning scheme to include an LGIP;	11 12
(b) adopts a new planning scheme that includes an LGIP.	13 14

Clause 14	Amendment of s 979 (Charges resolutions until 1 July 2016)	15 16
(1)	Section 979, heading, ‘1 July 2016’— <i>omit, insert—</i> cut-off date	17 18 19
(2)	Section 979(6) to (8)— <i>omit, insert—</i> (6) Until the cut-off date for the local government, it may make a charges resolution under this Act that includes a saved provision (a <i>modified charges resolution</i>).	20 21 22 23 24 25
(6A)	Subsection (6) applies despite— (a) section 628A; and (b) sections 630 and 631 preventing a charges resolution including a saved provision.	26 27 28 29

	(7)	For applying chapter 8 for the modified charges resolution, the saved provisions are taken to have been done under an LGIP.	1 2 3
	(8)	On the cut-off date for the local government, each saved provision included in the modified charges resolution ceases to have effect.	4 5 6
Clause 15		Amendment of s 982 (PIP to LGIP)	7
	(1)	Section 982(3), ‘1 July 2016’— <i>omit, insert—</i>	8 9
		the cut-off date for the local government	10
	(2)	Section 982— <i>insert—</i>	11 12
	(4)	In this section— <i>cut-off date</i> , for a local government is—	13 14
	(a)	if the local government is granted an extension of time under section 997—the day after the extension ends; or	15 16 17
	(b)	otherwise—1 July 2016.	18
Clause 16		Amendment of s 983 (Existing SPRP for adopted charges)	19 20
	(1)	Section 983(2)(b)— <i>omit, insert—</i>	21 22
	(b)	may, until the cut-off date for a local government, identify PIAs for the local government.	23 24 25
	(2)	Section 983(3)— <i>omit, insert—</i>	26 27

[s 17]

	(3)	A PIA identified for a local government under the SPRP (adopted charges) ceases to have effect on the cut-off date for the local government.	1 2 3
Clause 17		Amendment of s 996 (Provision for planning schemes in effect before 4 July 2014 that do not include an LGIP or PIP)	4 5 6
	(1)	Section 996(1), ‘in relation to a planning scheme that’— <i>omit, insert—</i> to a local government if its planning scheme	7 8 9
	(2)	Section 996(2), from ‘for’ to ‘day’— <i>omit, insert—</i> may do the following until the cut-off date for the local government	10 11 12 13
	(3)	Section 996(3), definition <i>stated day</i> — <i>omit, insert—</i> <i>cut-off date</i> see section 975A.	14 15 16
Clause 18		Insertion of new of ch 10, pt 14	17
		Chapter 10— <i>insert—</i>	18 19

Part 14	Transitional and validating provisions for Local Government and Other Legislation Amendment Act (No. 2) 2015	1 2 3 4 5 6
997 Extension of time for particular planning schemes		7 8
(1)	This section applies to a local government if its planning scheme—	9 10
(a)	does not include an LGIP; or	11
(b)	includes a PIP for which an amendment, prepared in accordance with the guideline mentioned in section 117(2), has not yet been made.	12 13 14 15
	<i>Note—</i>	16
	Section 982(3) requires an amendment, prepared in accordance with the guideline mentioned in section 117(2), to be made to a local government’s PIP before the cut-off date for the local government.	17 18 19 20
(2)	The local government may, by resolution, apply to the Minister for an extension of time for sections 979, 982, 983 and 996.	21 22 23
(3)	The application must be accompanied by—	24
(a)	evidence of the resolution to make the application; and	25 26
(b)	a project plan that demonstrates how the local government will finalise the LGIP within the extension, including a summary of the resources and time-frame to be used by the local government.	27 28 29 30 31

[s 18]

- (4) The Minister must— 1
- (a) consider the application and the documents 2
mentioned in subsection (3); and 3
- (b) decide to grant, or refuse to grant, the 4
application; and 5
- (c) inform the local government of the 6
Minister’s decision. 7
- (5) However, if the Minister does not inform the 8
local government of the Minister’s decision 9
within 20 business days after receiving the 10
application, the local government is taken to have 11
been granted an extension of time ending 30 June 12
2018, at the end of the day. 13
- (6) An extension of time granted under this section 14
must end before 1 July 2018. 15
- (7) In this section— 16
- PIP* see section 975. 17
- resolution*, of a local government, means the 18
formal decision of the local government at a local 19
government meeting. 20

**998 Validation provision for particular charges 21
resolutions 22**

- (1) This section applies if, after the commencement 23
of section 628A but before the commencement of 24
this section, a local government purported to 25
make a charges resolution under former section 26
979(6). 27
- (2) Chapter 8, part 2 applied for making the charges 28
resolution despite section 628A. 29
- (3) The charges resolution may have included a 30
saved provision despite sections 630 and 631. 31
- (4) The charges resolution, and any action taken in 32
relation to the resolution, is taken to be, and to 33

- always have been, as valid as it would have been 1
if section 628A had not commenced before the 2
resolution was made. 3
- (5) Section 979(8) applies to a saved provision 4
included in the charges resolution as if the 5
resolution were a modified charges resolution 6
made under section 979(6). 7
- (6) In this section— 8
- former section 979(6)* means section 979(6) as in 9
force immediately before its replacement under 10
the *Local Government and Other Legislation* 11
Amendment Act (No. 2) 2015. 12
- saved provision* see section 979(5). 13