



Queensland

Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023



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2023

A Bill

for

An Act to amend the *City of Brisbane Act 2010*, the *City of Brisbane Regulation 2012*, the *Local Government Act 2009*, the *Local Government Regulation 2012*, the *Local Government Electoral Act 2011*, the *Queen's Wharf Brisbane Act 2016* and the legislation mentioned in schedule 1 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 (Councillor Conduct) and Other Legislation Amendment Act 2023*. 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

Note— 10

See also the amendments in schedule 1. 11

Clause 3 Amendment of s 21 (Assessment) 12

(1) Section 21(6)(a)— 13

omit. 14

(2) Section 21(6)(b) and (c)— 15

renumber as section 21(6)(a) and (b). 16

Clause 4 Amendment of s 107 (Councillors liable for improper disbursements) 17
18

Section 107(2)— 19

omit, insert— 20

(2) The council must, within 14 days after the 21

	disbursement is made, publish a notice of the disbursement—	1 2
	(a) on the council’s website; and	3
	(b) in other ways the council considers appropriate.	4 5
Clause 5	Amendment of s 123 (Approving an inspection program)	6
	(1) Section 123(6)(a) and (b)—	7
	<i>omit, insert—</i>	8
	(a) on the council’s website; and	9
	(b) in other ways the council considers appropriate.	10 11
	(2) Section 123(9), ‘in the newspaper’—	12
	<i>omit, insert—</i>	13
	under subsection (6)	14
Clause 6	Amendment of s 166 (Filling a vacancy in the office of another councillor)	15 16
	Section 166(6)(a)(i) and (ii)—	17
	<i>omit, insert—</i>	18
	(i) on the council’s website; and	19
	(ii) in other ways the chief executive officer considers appropriate; and	20 21
Clause 7	Insertion of new s 169A	22
	After section 169—	23
	<i>insert—</i>	24
	169A Councillor training	25
	(1) A councillor must complete approved councillor training about the responsibilities of councillors	26 27

[s 7]

- under section 14. 1
- (2) The training must be completed by the 2
councillor— 3
- (a) within the period prescribed by regulation; 4
or 5
- (b) if the department’s chief executive extends 6
the period for the councillor—within the 7
extended period. 8
- (3) The department’s chief executive may extend the 9
period under subsection (2)(b) only if the 10
department’s chief executive is satisfied it would 11
be appropriate in the circumstances. 12
- Example of when an extension may be appropriate in the 13
circumstances— 14*
- the councillor is unable to complete the training due to 15
unavoidable absence 16
- (4) The department’s chief executive must publish a 17
notice about the approved councillor training on 18
the department’s website within the period 19
prescribed by regulation. 20
- (5) Also, the department’s chief executive must give 21
a written notice about the approved councillor 22
training— 23
- (a) to the council and each councillor within the 24
period prescribed by regulation; and 25
- (b) if a councillor is appointed or elected to fill 26
a vacancy in the office of another 27
councillor—to the council and the 28
councillor within 20 business days after the 29
councillor is appointed or elected. 30
- (6) A notice under subsections (4) and (5) must state 31
the following— 32
- (a) a description of the approved councillor 33
training; 34

	(b) the requirements for successful completion of the training;	1 2
	(c) for a notice given under subsection (5)—when the training must be completed by the councillor.	3 4 5
	(7) A regulation may prescribe requirements for the training required under this section, including—	6 7
	(a) the format of the training; and	8
	(b) requirements about how the training may be successfully completed.	9 10
	(8) In this section—	11
	<i>approved councillor training</i> means training that—	12 13
	(a) meets the requirements prescribed by regulation under subsection (7); and	14 15
	(b) is approved by the department’s chief executive.	16 17
Clause 8	Amendment of s 170 (Giving directions to council staff)	18
	(1) Section 170(3), note—	19
	<i>omit.</i>	20
	(2) Section 170—	21
	<i>insert—</i>	22
	(4) The mayor or another councillor must not give a direction in contravention of subsection (2) or (3).	23 24
	<i>Note—</i>	25
	Contravention of this subsection is misconduct under the Local Government Act that could result in disciplinary action being taken against the councillor under that Act. See the Local Government Act, sections 150L(1)(c)(iv), 150AQ and 150AR.	26 27 28 29 30

[s 9]

Clause 9	Amendment of s 177C (Personal interests in ordinary business matters of council)	1
		2
(1)	Section 177C(1)(c)—	3
	<i>omit, insert—</i>	4
	(c) is solely, or relates solely to, the preparation, adoption or amendment of a budget for the council; or	5 6 7
	(ca) is solely, or relates solely to, preparing, adopting or amending a document prescribed by regulation that the council is required to prepare or adopt under a local government related law; or	8 9 10 11 12
	(cb) is solely, or relates solely to—	13
	(i) the making of a donation to a religious, charitable or non-profit institution or organisation, unless a councillor, or close associate or related party of a councillor, receives a benefit because of the donation that is more than merely a benefit relating to reputation; or	14 15 16 17 18 19 20 21
	(ii) a councillor representing the council in an official capacity at an event held by a government agency or an entity that is wholly owned by the council; or	22 23 24 25
	(cc) is solely, or relates solely to, employment-related or upgraded travel or accommodation undertaken or used by a councillor, or close associate or related party of a councillor; or	26 27 28 29 30
(2)	Section 177C(1)(ca) to (d)—	31
	<i>renumber</i> as section 177C(1)(d) to (g).	32
(3)	Section 177C—	33
	<i>insert—</i>	34

	(4) In this section—	1
	<i>government agency</i> means—	2
	(a) the State, a government entity or another local government; or	3 4
	(b) another Australian government or an entity of another Australian government; or	5 6
	(c) a local government of another State.	7
	(4) Section 177C(2A) to (4)—	8
	<i>renumber</i> as section 177C(3) to (5).	9
Clause 10	Amendment of s 177E (When councillor has <i>prescribed conflict of interest</i>—sponsored travel or accommodation benefits)	10 11 12
	Section 177E(2), definition <i>employment-related</i> or <i>upgraded</i> —	13 14
	<i>omit.</i>	15
Clause 11	Amendment of s 177G (Who is a <i>close associate</i> of a councillor)	16 17
	Section 177G(2)—	18
	<i>omit, insert</i> —	19
	(2) However, the person is a close associate of the councillor in relation to a matter only if the councillor knows, or ought reasonably to know, about the person’s involvement in the matter.	20 21 22 23
Clause 12	Amendment of s 177L (Interests that are not declarable conflicts of interest)	24 25
	Section 177L(1)—	26
	<i>insert</i> —	27

[s 13]

	(g) the conflict of interest arises solely because—	1 2
	(i) the councillor is, or has been, a member of a group of candidates for an election or a previous election with another councillor; or	3 4 5 6
	(ii) the same political party endorsed the candidature of the councillor and another councillor for an election or a previous election; or	7 8 9 10
	(iii) the councillor has been elected or appointed at the same time, or has held office during the same period, as another councillor.	11 12 13 14
Clause 13	Amendment of s 177M (Who is a <i>related party</i> of a councillor)	15 16
	Section 177M(2)—	17
	<i>omit, insert—</i>	18
	(2) However, the person is a related party of the councillor in relation to a matter only if the councillor knows, or ought reasonably to know, about the person’s involvement in the matter.	19 20 21 22
Clause 14	Insertion of new s 177MA	23
	After section 177M—	24
	<i>insert—</i>	25
	177MA Councillor must not participate in decisions unless authorised	26 27
	If a councillor has a declarable conflict of interest in a matter, the councillor must not participate in a decision relating to the matter unless the councillor participates in the decision—	28 29 30 31

	(a) in compliance with a decision made under section 177P; or	1 2
	(b) under an approval given under section 177S.	3
	<i>Note—</i>	4
	Contravention of this section is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(iv) of that Act. Also, this section is a relevant integrity provision for the offence against section 198D—see section 198D(2), definition <i>relevant integrity provision</i> .	5 6 7 8 9 10 11
Clause 15	Amendment of s 177N (Obligation of councillor with declarable conflict of interest)	12 13
	(1) Section 177N(2), from ‘councillor—’ — <i>omit, insert—</i>	14 15
	councillor must immediately inform the meeting of the declarable conflict of interest, including the particulars stated in subsection (4).	16 17 18
	(2) Section 177N(3)(a)— <i>omit.</i>	19 20
	(3) Section 177N(3)(b) and (c)— <i>renumber</i> as section 177N(3)(a) and (b).	21 22
	(4) Section 177N(3), note, ‘150L(1)(c)(v)’ — <i>omit, insert—</i>	23 24
	150L(1)(c)(iv)	25
	(5) Section 177N(5)— <i>omit.</i>	26 27
Clause 16	Amendment of s 177R (Procedure if no quorum for deciding matter because of prescribed conflicts of interest or declarable conflicts of interest)	28 29 30
	(1) Section 177R(2)(c), after ‘to the matter’ —	31

[s 17]

insert—

unless this Act or another Act provides that the
council must decide the matter

(2) Section 177R(4), ‘177N(2)(a) or (3)(a)’—

omit, insert—

177MA

Clause 17 Amendment of s 177T (Duty to report another councillor’s prescribed conflict of interest or declarable conflict of interest)

(1) Section 177T(1)(b), ‘177N(2)(a) or (3)(a)’—

omit, insert—

177MA

(2) Section 177T(3), note, ‘150L(1)(c)(v)’—

omit, insert—

150L(1)(c)(iv)

(3) Section 177T—

insert—

(4) If the belief or suspicion relates to more than 1
councillor, subsections (2) and (3) must be
complied with in relation to each councillor
separately.

Clause 18 Amendment of s 177U (Obligation of councillor if conflict of interest reported under s 177T)

(1) Section 177U—

insert—

(2A) If subsection (2) must be complied with in
relation to a belief or suspicion about more than 1
councillor, a decision under subsection (2)(b)
must be made in relation to each councillor

	separately.	1
	(2) Section 177U(2A) to (4)—	2
	<i>renumber</i> as section 177U(3) to (5).	3
Clause 19	Amendment of s 198D (Dishonest conduct of councillor or councillor advisor)	4
		5
	(1) Section 198D(2), definition <i>relevant integrity provision</i> , paragraph (a)—	6
	<i>insert</i> —	7
	(iia) section 177MA;	8
	(2) Section 198D(2), definition <i>relevant integrity provision</i> , paragraph (a)(iia) to (viii)—	9
	<i>renumber</i> as paragraph (a)(iii) to (ix).	10
		11
		12
Clause 20	Amendment of s 220 (Substituted service)	13
	Section 220(3)(a) and (b)—	14
	<i>omit, insert</i> —	15
	(a) publishing a notice that contains a copy of the document on the council’s website; or	16
		17
	(b) publishing a notice that contains a summary of the document in—	18
		19
	(i) a newspaper that is circulating generally throughout the State; and	20
		21
	(ii) the gazette.	22
Clause 21	Amendment of s 238 (Delegation of council powers)	23
	Section 238(2), from ‘about a’ to ‘150AG’—	24
	<i>omit, insert</i> —	25
	about an investigation or a councillor’s conduct under the Local Government Act, section	26
		27

[s 22]

	150AEA or 150AG	1
Clause 22	Amendment of sch 2 (Dictionary)	2
(1)	Schedule 2—	3
	<i>insert—</i>	4
	<i>employment-related or upgraded travel or accommodation</i> , for a person, means—	5 6
(a)	travel or accommodation paid for by the State or a local government; or	7 8
(b)	travel or accommodation paid for by LGAQ Ltd for the purpose of a councillor attending a meeting of the policy executive established under the constitution of LGAQ Ltd; or	9 10 11 12 13
(c)	travel or accommodation that is—	14
(i)	undertaken or used by the person in the course of the person’s employment; and	15 16 17
(ii)	is contributed to, whether financially or non-financially, by the person’s employer; or	18 19 20
(d)	if the person is a director of a corporation—travel or accommodation that is—	21 22 23
(i)	undertaken or used by the person in the course of carrying out the person’s duties as a director; and	24 25 26
(ii)	is contributed to, whether financially or non-financially, by the corporation; or	27 28
(e)	if the travel is airline travel—an upgrade to the travel given by the provider of the travel for no charge; or	29 30 31

	<i>Example—</i>	1
	a free air travel upgrade to business class	2
	(f) an upgrade to the accommodation given by the provider of the accommodation for no charge.	3 4 5
	<i>Example—</i>	6
	a free accommodation upgrade to a larger room	7
	LGAQ Ltd means the Local Government Association of Queensland Ltd ABN 11 010 883 293.	8 9 10
Part 3	Amendment of City of Brisbane Regulation 2012	11 12
Clause 23	Regulation amended	13
	This part amends the <i>City of Brisbane Regulation 2012</i> .	14
Clause 24	Amendment of s 178 (Councillors)	15
	(1) Section 178(1)(d)—	16
	<i>insert—</i>	17
	(ia) orders made under the Local Government Act, section 150IA(2)(b);	18 19
	(2) Section 178(1)(d)(ia) to (iii)—	20
	<i>renumber</i> as section 178(1)(d)(ii) to (iv).	21
	(3) Section 178(1)(e)(ii) and (f)(viii), ‘inappropriate conduct’—	22
	<i>omit, insert—</i>	23
	conduct breach	24
	(4) Section 178(1)(f)(v) and (vi)—	25
	<i>omit.</i>	26

[s 24]

- | | |
|---|----|
| (5) Section 178(1)(f)(vii), ‘section 150AF(4)(a)’— | 1 |
| <i>omit, insert</i> — | 2 |
| section 150AF(3)(a) | 3 |
| (6) Section 178(1)(f)(ix), ‘inappropriate conduct’— | 4 |
| <i>omit, insert</i> — | 5 |
| a conduct breach | 6 |
| (7) Section 178(1)— | 7 |
| <i>insert</i> — | 8 |
| (g) the total number of referral notices given to | 9 |
| the council under the Local Government | 10 |
| Act, section 150AC(1) during the financial | 11 |
| year; and | 12 |
| (h) for suspected conduct breaches the subject | 13 |
| of a referral notice mentioned in paragraph | 14 |
| (g)— | 15 |
| (i) the total number of suspected conduct | 16 |
| breaches; and | 17 |
| (ii) the total number of suspected conduct | 18 |
| breaches for which an investigation | 19 |
| was not started or was discontinued | 20 |
| under the Local Government Act, | 21 |
| section 150AEA; and | 22 |
| (i) the number of decisions made by the council | 23 |
| under the Local Government Act, section | 24 |
| 150AG(1) during the financial year; and | 25 |
| (j) the number of matters not decided by the | 26 |
| end of the financial year under the Local | 27 |
| Government Act, section 150AG(1); and | 28 |
| (k) the average time taken by the council in | 29 |
| making a decision under the Local | 30 |
| Government Act, section 150AG(1). | 31 |
| (8) Section 178(2), definition <i>councillor</i> — | 32 |

omit.

1

Clause 25 Amendment of s 242D (Public availability of agendas)

2

Section 242D(6), definition *related report*—

3

omit, insert—

4

related report, for a council meeting—

5

(a) means a report or other document relating to an item on the agenda for the meeting that is made available to councillors or committee members for the purposes of the meeting; but

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10

(b) does not include a summary of an investigation report or an investigation report required to be made publicly available under the Local Government Act, section 150AFA or 150AGA.

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Clause 26 Amendment of s 242H (Recording of reasons for particular decisions)

16

17

(1) Section 242H—

18

insert—

19

(1A) Also, this section applies if a decision is made at a council meeting about a conduct breach under the Local Government Act, section 150AG that is inconsistent with a recommendation made by the entity who conducted the investigation into the conduct.

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22

23

24

25

(2) Section 242H(1A) to (3)—

26

renumber as section 242H(2) to (4).

27

Clause 27 Amendment of s 242J (Closed meetings)

28

Section 242J(3)—

29

[s 28]

insert—

- (j) an investigation report given to the council
under the Local Government Act, chapter
5A, part 3, division 5.

Part 4 **Amendment of Local Government Act 2009**

Clause 28 **Act amended**

This part amends the *Local Government Act 2009*.

Note—

See also the amendments in schedule 1.

Clause 29 **Amendment of s 19 (Assessment)**

- (1) Section 19(6)(a)—

omit.

- (2) Section 19(6)(b) and (c)—

renumber as section 19(6)(a) and (b).

Clause 30 **Amendment of s 87 (Community forums)**

- (1) Section 87(5), ‘in a newspaper circulating generally in its
local government area’—

omit.

- (2) Section 87—

insert—

(5A) The information must be published—

- (a) on the indigenous regional council’s
website; and

	(b) in other ways the council considers appropriate.	1 2
	(3) Section 87(5A) and (6)— <i>renumber</i> as section 87(6) and (7).	3 4
Clause 31	Amendment of s 88 (Members of a community forum)	5
	Section 88(2)(b), from ‘advertised’— <i>omit, insert</i> —	6 7
	advertised—	8
	(i) on the indigenous regional council’s website; and	9 10
	(ii) in other ways the council considers appropriate.	11 12
Clause 32	Amendment of s 110 (Councillors liable for improper disbursements)	13 14
	Section 110(2)— <i>omit, insert</i> —	15 16
	(2) The local government must, within 14 days after the disbursement is made, publish a notice of the disbursement—	17 18 19
	(a) on the local government’s website; and	20
	(b) in other ways the local government considers appropriate.	21 22
Clause 33	Amendment of s 120 (Precondition to remedial action)	23
	(1) Section 120— <i>insert</i> —	24 25
	(3A) For subsection (3)(a), if the power the Minister proposes to exercise relates to a failure by a councillor to comply with a councillor training	26 27 28

[s 34]

	provision, the notice must state—	1
	(a) for a failure to comply within the period required under the councillor training provision—that the Minister proposes to suspend the councillor until the councillor complies with the training provision; or	2 3 4 5 6
	(b) for a failure to comply within 1 year after the period required under the councillor training provision—that the Minister proposes to dismiss the councillor.	7 8 9 10
(2)	Section 120(3A) to (6)— <i>renumber</i> as section 120(4) to (7).	11 12
(3)	Section 120— <i>insert</i> —	13 14
	(8) In this section— <i>councillor training provision</i> means section 169A or the <i>City of Brisbane Act 2010</i> , section 169A.	15 16 17 18
Clause 34	Amendment of s 122 (Removing a councillor)	19
(1)	Section 122, heading, ‘Removing’— <i>omit, insert</i> —	20 21
	Suspending or removing	22
(2)	Section 122(1)— <i>insert</i> —	23 24
	(ca) the Minister reasonably believes that a councillor has not complied with the councillor’s obligation to complete training under a councillor training provision; or	25 26 27 28
(3)	Section 122(1)(ca) and (d)— <i>renumber</i> as section 122(1)(d) and (e).	29 30

-
- (4) Section 122— 1
insert— 2
- (4) A councillor suspended for a failure to comply 3
with a councillor training provision is not entitled 4
to be paid remuneration as a councillor other than 5
the remuneration necessary for the councillor to 6
comply with the councillor training provision. 7
- (5) In this section— 8
councillor training provision see section 120(8). 9
remuneration, as a councillor, includes 10
allowances, expenses, superannuation 11
contributions and access to facilities and 12
equipment provided by the local government. 13

Clause 35 Amendment of s 134 (Approving an inspection program) 14

- (1) Section 134(6)(a) and (b)— 15
omit, insert— 16
- (a) on the local government’s website; and 17
- (b) in other ways the local government 18
considers appropriate. 19
- (2) Section 134(9), ‘in the newspaper’— 20
omit, insert— 21
under subsection (6) 22

Clause 36 Amendment of s 150B (Overview of chapter) 23

- (1) Section 150B(1)(c), before ‘investigating’— 24
insert— 25
assessing, 26
- (2) Section 150B(1)(d), ‘inappropriate conduct’— 27
omit, insert— 28

[s 36]

a conduct breach	1
(3) Section 150B(1)(e), before ‘investigate’—	2
<i>insert—</i>	3
assess,	4
(4) Section 150B(2)(b) and (c)—	5
<i>omit, insert—</i>	6
(b) that the conduct of chairpersons at local government meetings that does not meet appropriate standards of behaviour may be dealt with by the other councillors at the meeting; and	7 8 9 10 11
(c) that the assessor must make a preliminary assessment of complaints, notices or information relating to the conduct of councillors; and	12 13 14 15
(ca) that the assessor, after making a preliminary assessment, may refer a suspected conduct breach of a councillor to the local government to be dealt with; and	16 17 18 19
(cb) that the assessor, after investigating a councillor’s conduct, may apply to the conduct tribunal to decide—	20 21 22
(i) whether the councillor engaged in misconduct, or a conduct breach that is connected to misconduct; and	23 24 25
(ii) if the conduct tribunal decides the councillor engaged in misconduct or a conduct breach, the action to be taken to discipline the councillor; and	26 27 28 29
(5) Section 150B(2)(ca) to (d)—	30
<i>renumber</i> as section 150B(2)(d) to (f).	31

Clause 37	Amendment of s 150C (Definitions for chapter)	1
	(1) Section 150C, definition <i>inappropriate conduct</i> —	2
	<i>omit.</i>	3
	(2) Section 150C—	4
	<i>insert</i> —	5
	<i>conduct breach</i> see section 150K.	6
	<i>investigation report</i> , for an investigation, means a report about the investigation prepared under the local government’s investigation policy.	7
		8
		9
	<i>local government official</i> means—	10
	(a) a councillor; or	11
	(b) the chief executive officer of a local government; or	12
		13
	(c) the chief executive officer under the <i>City of Brisbane Act 2010</i> .	14
		15
Clause 38	Insertion of new s 150CAB	16
	After section 150CAA—	17
	<i>insert</i> —	18
	150CAB Application of chapter	19
	This chapter does not apply in relation to a person who was, but is no longer, a councillor unless the person has engaged in conduct that is suspected corrupt conduct.	20
		21
		22
		23
Clause 39	Amendment of s 150F (Department’s chief executive to make model procedures)	24
	(1) Section 150F(2)—	25
	<i>insert</i> —	26
		27

[s 40]

- (aa) how the councillors at a local government meeting may deal with the chairperson's unsuitable meeting conduct; and 1
2
3
- (2) Section 150F(2)(b), 'the suspected inappropriate conduct'— 4
omit, insert— 5
a suspected conduct breach 6
- (3) Section 150F(2)(aa) and (b)— 7
renumber as section 150F(2)(b) and (c). 8

- Clause 40 Insertion of new s 150IA** 9
- After section 150I— 10
insert— 11
- 150IA Dealing with unsuitable meeting conduct of chairperson** 12
13
- (1) This section applies if, during a local government meeting, a councillor reasonably believes the conduct of the chairperson of the meeting is unsuitable meeting conduct. 14
15
16
17
- (2) The councillors at the meeting, other than the chairperson, may, by resolution— 18
19
- (a) decide whether the conduct is unsuitable meeting conduct; and 20
21
- (b) if the conduct is unsuitable meeting conduct—make an order reprimanding the chairperson for the conduct. 22
23
24
- (3) If minutes are not required for the meeting, details of the order must be recorded in another way prescribed by regulation. 25
26
27
- Note—* 28
- See also sections 150DX and 150DY about recording orders under this section in the councillor conduct register. 29
30
31

Clause 41	Amendment of s 150J (Unsuitable meeting conduct that becomes inappropriate conduct)	1
		2
(1)	Section 150J, ‘inappropriate conduct’—	3
	<i>omit, insert—</i>	4
	a conduct breach	5
(2)	Section 150J, after ‘councillor’—	6
	<i>insert—</i>	7
	, including the chairperson,	8
(3)	Section 150J(b), after ‘150AG’—	9
	<i>insert—</i>	10
	as if an investigation had been conducted	11
Clause 42	Amendment of s 150K (What is <i>inappropriate conduct</i>)	12
(1)	Section 150K, heading, ‘ <i>inappropriate conduct</i> ’—	13
	<i>omit, insert—</i>	14
	a conduct breach	15
(2)	Section 150K(1), (2) and (4), ‘inappropriate conduct’—	16
	<i>omit, insert—</i>	17
	a conduct breach	18
(3)	Section 150K(2)(b)—	19
	<i>omit, insert—</i>	20
	(b) for conduct of a councillor, including the	21
	chairperson, at local government	22
	meetings—it is part of a course of conduct	23
	leading to orders for unsuitable meeting	24
	conduct being made against the councillor	25
	on 3 occasions within a period of 1 year.	26
(4)	Section 150K(3)—	27
	<i>omit, insert—</i>	28

[s 43]

	(3) For subsection (2)(b)—	1
	(a) the conduct that led to the orders being made, taken together, is the conduct breach; and	2 3 4
	(b) orders for the councillor’s unsuitable meeting conduct include any orders made against the councillor as the chairperson of a local government meeting.	5 6 7 8
Clause 43	Amendment of s 150L (What is <i>misconduct</i>)	9
	(1) Section 150L(1)(b)(i)—	10
	<i>omit, insert—</i>	11
	(i) non-compliance with an Act by the councillor; or	12 13
	(2) Section 150L(1)(c)(ii)—	14
	<i>omit.</i>	15
	(3) Section 150L(1)(c)(iv), from ‘150EQ’ to ‘170(3)’—	16
	<i>omit, insert—</i>	17
	150EPA, 150EQ, 150EW, 150EZ, 170(4)	18
	(4) Section 150L(1)(c)(v), from ‘170(3)’ to ‘177I’—	19
	<i>omit, insert—</i>	20
	170(4), 173(3), 177H, 177I, 177MA	21
	(5) Section 150L(1)(c)(iii) to (v)—	22
	<i>renumber</i> as section 150L(1)(c)(ii) to (iv).	23
	(6) Section 150L(2)(a), ‘inappropriate conduct’—	24
	<i>omit, insert—</i>	25
	conduct breaches	26

Clause 44	Replacement of s 150M (Application to former councillors)	1 2
	Section 150M—	3
	<i>omit, insert—</i>	4
	150M Dealing with particular conduct if councillor elected or appointed after vacating office	5 6
	(1) This section applies if—	7
	(a) the conduct (the <i>relevant conduct</i>) of a person who is a councillor is the subject of—	8 9 10
	(i) a complaint, notice or information and the assessor starts a preliminary assessment (the <i>initial assessment</i>) under division 3A of the complaint, notice or information; or	11 12 13 14 15
	(ii) an investigation by the assessor or a local government (the <i>initial investigation</i>) under division 4 or 5; or	16 17 18
	(iii) an application by the assessor (the <i>initial application</i>) under section 150AJ; and	19 20 21
	(b) the person's office as councillor is vacated—	22 23
	(i) for an initial assessment—before a decision is made under section 150SD; or	24 25 26
	(ii) for an initial investigation—before a decision is made in relation to the investigation under division 4 or 5; or	27 28 29
	(iii) for an initial application—before the application about the relevant conduct is decided under division 6; and	30 31 32

[s 45]

	(c) within 12 months after the office is vacated, the person is elected or appointed as a councillor for a new term of office.	1 2 3
	(2) As soon as practicable after the person is elected or appointed—	4 5
	(a) if subsection (1)(a)(i) applies—the assessor must make a new preliminary assessment under division 3A of the complaint, notice or information relating to the relevant conduct of the councillor as if the initial assessment had not been started; or	6 7 8 9 10 11
	(b) if subsection (1)(a)(ii) applies—the assessor or local government must investigate the relevant conduct of the councillor under division 4 or 5 as if the initial investigation had not been started; or	12 13 14 15 16
	(c) if subsection (1)(a)(iii) applies—the assessor must apply to the conduct tribunal under section 150AJ in relation to the relevant conduct of the councillor as if the initial application had not been made.	17 18 19 20 21
	(3) For an investigation under subsection (2)(b), the assessor or local government may consider any information obtained during the initial investigation of the relevant conduct.	22 23 24 25
Clause 45	Amendment of s 150Q (Further information about complaints)	26 27
	(1) Section 150Q(1)(b) and (3), ‘investigate the conduct’— <i>omit, insert—</i> make a preliminary assessment of the complaint	28 29 30
	(2) Section 150Q(2), ‘a stated reasonable period’— <i>omit, insert—</i> 10 business days after the notice is given	31 32 33

-
- (3) Section 150Q(4)— 1
omit, insert— 2
- (4) If the assessor decides not to make a preliminary 3
assessment under subsection (3), the assessor 4
must give the person who made the complaint a 5
notice that states the assessor has decided not to 6
make the assessment because there is insufficient 7
information to do so. 8

Clause 46	Insertion of new ch 5A, pt 3, divs 3A and 3B	9
	Chapter 5A, part 3—	10
	<i>insert—</i>	11
	Division 3A Preliminary assessments	12
	150SA Application of division	13
	This division applies if—	14
	(a) a complaint about the conduct of a 15 councillor is made or referred to the assessor 16 under division 2; or 17	
	(b) a notice about the conduct of a councillor is 18 given to the assessor under division 3; or 19	
	(c) information about the conduct of a 20 councillor is given to the assessor under 21 section 150AF(3). 22	
	150SB Period for making complaint or giving 23 notice or information 24	
	A complaint, notice or information about the 25 conduct of a councillor must be made or given to 26 the assessor— 27	
	(a) within 1 year after the conduct occurred; or 28	

[s 46]

- (b) within 6 months after the conduct comes to the knowledge of the person who made the complaint or gave the information or notice, but within 2 years after the conduct occurred. 1
2
3
4
5

150SC Assessor may ask for information 6

- (1) This section applies if, in the assessor’s opinion, the complaint, notice or information does not include sufficient information for the assessor to make a preliminary assessment of the complaint, notice or information. 7
8
9
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11
- (2) The assessor may ask the following entities for any information the assessor requires to make a preliminary assessment of the complaint, notice or information— 12
13
14
15
 - (a) for a complaint made or referred under division 2—the local government; or 16
17
 - (b) for notice given under division 3—the local government or the local government official who gave the notice; or 18
19
20
 - (c) for a notice given under section 150AF(3)—the local government. 21
22

Note— 23

The assessor may ask a person who made a complaint for further information under section 150Q. 24
25

- (3) The assessor must state in the request that the information must be given to the assessor within 10 business days after the request is made. 26
27
28
- (4) The entity mentioned in subsection (2) must comply with the request. 29
30

150SD Preliminary assessment of complaints, notices or information	1
	2
(1) The assessor must make a preliminary assessment of the complaint, notice or information.	3 4
(2) On the completion of the preliminary assessment, the assessor must dismiss the complaint or decide to take no further action for the notice or information if the assessor is satisfied that—	5 6 7 8
(a) dealing with the complaint, notice or information would not be in the public interest; or	9 10 11
(b) the complaint, notice or information was not made or given within the period required under section 150SB, unless—	12 13 14
(i) the conduct the subject of the complaint, notice or information is suspected corrupt conduct; or	15 16 17
(ii) the complaint, notice or information was not given within the period because of exceptional circumstances; or	18 19 20 21
(c) the conduct the subject of the complaint, notice or information—	22 23
(i) was engaged in by the councillor to comply with, honestly and without negligence, a guideline made by the department’s chief executive; or	24 25 26 27
(ii) relates solely to behaviour engaged in by the councillor in a personal capacity unless the conduct is suspected corrupt conduct; or	28 29 30 31
(iii) clearly does not constitute a conduct breach or misconduct; or	32 33
(d) the office of the councillor is vacated, unless the conduct is suspected corrupt conduct; or	34 35

[s 46]

- (e) for a complaint—the person who made the complaint is the subject of a declaration under section 150AWA, and the complaint is not permitted under a condition of the declaration or under section 150AWC. 1
2
3
4
5
- (3) Also, on the completion of the assessment, the assessor may dismiss the complaint or decide to take no further action for the notice or information if the assessor is satisfied— 6
7
8
9
- (a) the conduct has already been, is being, or may be dealt with by another entity; or 10
11
- (b) the complaint, notice or information— 12
- (i) is frivolous or vexatious; or 13
- (ii) was made other than in good faith; or 14
- Example for paragraph (b)(ii)—* 15
- a complaint made for a mischievous purpose 16
or maliciously 17
- (iii) lacks substance or credibility; or 18
- (c) dealing with the complaint, notice or information would be an unjustifiable use of resources; or 19
20
21
- (d) for a suspected conduct breach—at least 6 months have elapsed since the conduct the subject of the complaint, notice or information occurred, and it would not be in the public interest to take action under this part; or 22
23
24
25
26
27
- (e) there is insufficient information to properly make a preliminary assessment of the complaint, notice or information. 28
29
30
- (4) If subsection (2) does not apply or the assessor does not, under subsection (3), dismiss or decide to take no further action for the complaint, notice or information, the assessor must decide— 31
32
33
34

-
- (a) if the assessor reasonably suspects the conduct the subject of the complaint, notice or information is a conduct breach—to refer the suspected conduct breach to the local government to deal with; or
- (b) to investigate the conduct of the councillor; or
- (c) not to deal with the complaint, notice or information and make any recommendation the assessor considers appropriate, including, for example, that the councillor attend training, counselling or mediation.
- (5) Without limiting the matters the assessor may consider in making a preliminary assessment, the assessor may have regard to the following—
- (a) any reasons for, or factors relevant to, the conduct;
- Examples for paragraph (a)—*
- whether or not any training relating to the conduct has been completed by the councillor
 - the Aboriginal traditions or Island customs of the councillor
- (b) any steps taken by the councillor to mitigate or remedy the effects the conduct;
- (c) the consequences, both financial and non-financial, resulting from the conduct.
- 150SE Notice of preliminary assessment**
- (1) This section applies if the assessor decides—
- (a) to dismiss the complaint or not take any further action for the notice or information under section 150SD(2) or (3); or
- (b) not to deal with a complaint, notice or information under section 150SD(4)(c).

[s 46]

- (2) The assessor must, as soon as practicable after making the decision, give a notice that complies with subsection (4) to the following—
- (a) for a complaint made or referred under division 2—the person who made the complaint, if the assessor has the person’s contact details;
 - (b) for a notice under division 3—the local government or the local government official who gave the notice;
 - (c) for information given under section 150AF(3)—the local government;
 - (d) if an action is taken under section 150SD(4)(c)—the councillor the subject of the complaint, notice or information.
- (3) If the councillor the subject of the complaint, notice or information does not receive a notice under this section—
- (a) the councillor may ask the assessor for a copy of the notice; and
 - (b) the assessor may give the councillor a copy of the notice if the assessor considers it would be appropriate to do so.
- (4) The notice must—
- (a) state the date the complaint was made or the notice or information was given; and
 - (b) briefly summarise the conduct the subject of the complaint, notice or information; and
 - (c) briefly state the decision and the reasons for the decision; and
 - (d) if an action is taken under section 150SD(4)(c)—state the action taken; and
 - (e) for a complaint dismissed because it is frivolous—advise the person who made the

complaint that, if the person makes the same 1
or substantially the same complaint to the 2
assessor again, the person commits an 3
offence punishable by a fine of up to 85 4
penalty units. 5

Note— 6

For the offence mentioned in paragraph (e), see section 7
150AU. 8

Division 3B Assessor may initiate 9 assessments 10

150SF Assessor may make preliminary 11 assessment on own initiative 12

(1) This section applies if— 13

(a) the assessor is aware of information 14
indicating a councillor may have engaged in 15
conduct that may be a conduct breach or 16
misconduct; and 17

Examples— 18

- a media report makes allegations of a conduct 19
breach by the councillor 20
- while investigating a councillor for alleged 21
misconduct, the assessor receives information that 22
indicates another councillor has engaged in the 23
same conduct 24

(b) the assessor has not received a complaint, 25
notice or information about the conduct as 26
mentioned in section 150SA; and 27

(c) the assessor reasonably believes— 28

(i) it is in the public interest to make a 29
preliminary assessment of the 30
information; and 31

[s 47]

	(ii) the conduct is not likely to involve corrupt conduct.	1 2
	(2) The assessor may, on the assessor's own initiative, make a preliminary assessment of the information about the councillor's conduct under division 3A.	3 4 5 6
	(3) This chapter applies in relation to the councillor's conduct as if the information were given to the assessor on the day the assessor became aware of the information.	7 8 9 10
Clause 47	Replacement of s 150T (Assessor must investigate conduct of councillor)	11 12
	Section 150T—	13
	<i>omit, insert—</i>	14
	150T Assessor must investigate conduct of councillor	15 16
	(1) The assessor must investigate the conduct of a councillor under this division if—	17 18
	(a) the assessor decides to investigate the conduct under section 150SD(4)(b); or	19 20
	(b) the conduct is suspected corrupt conduct that is the subject of a complaint referred to the assessor by the Crime and Corruption Commission.	21 22 23 24
	<i>Note—</i>	25
	The Crime and Corruption Commission may decide, under chapter 2, part 3 of the <i>Crime and Corruption Act 2001</i> , to refer a complaint to the assessor to deal with, whether or not in cooperation with the commission.	26 27 28 29
	(2) If the office of the councillor is vacated during the investigation, the assessor must discontinue the investigation unless the assessor is satisfied the conduct is suspected corrupt conduct.	30 31 32 33

Clause 48	Omission of s 150U (Assessor may initiate investigation)	1
	Section 150U—	2
	<i>omit.</i>	3
Clause 49	Amendment of s 150W (Decision about conduct)	4
(1)	Section 150W(1)(b), from ‘is inappropriate’ to ‘conduct to’—	5
	<i>omit, insert—</i>	6
	is a conduct breach—refer the suspected conduct	7
	breach to	8
(2)	Section 150W(1)(d) and (e)—	9
	<i>omit, insert—</i>	10
	(d) if the assessor is reasonably satisfied the	11
	councillor’s conduct is a conduct breach and	12
	the conduct is connected to conduct of the	13
	councillor that the assessor is reasonably	14
	satisfied is misconduct—make an	15
	application to the conduct tribunal about the	16
	alleged misconduct and conduct breach; or	17
	(e) not deal with the conduct and make any	18
	recommendation the assessor considers	19
	appropriate, including, for example, that the	20
	councillor attend training, counselling or	21
	mediation; or	22
	(f) take no further action in relation to the	23
	councillor’s conduct under section 150Y.	24
(3)	Section 150W(2)—	25
	<i>omit.</i>	26
Clause 50	Amendment of s 150Y (Decision to take no further action)	27
(1)	Section 150Y(b)(i) and (ii), ‘inappropriate conduct’—	28
	<i>omit, insert—</i>	29

[s 51]

	a conduct breach	1
(2)	Section 150Y(b)—	2
	<i>insert—</i>	3
	(iv) taking further action would not be in the public interest.	4 5
Clause 51	Amendment of s 150AA (Notice and opportunity for councillor to respond)	6 7
(1)	Section 150AA(1), from ‘to—’—	8
	<i>omit, insert—</i>	9
	to apply to the conduct tribunal about a councillor’s conduct.	10 11
(2)	Section 150AA(2)(c), from ‘to—’—	12
	<i>omit, insert—</i>	13
	to apply to the conduct tribunal about the conduct; and	14 15
(3)	Section 150AA(2)—	16
	<i>insert—</i>	17
	(ca) states the order that, in the assessor’s opinion, would be appropriate under section 150AR if the conduct tribunal decides the councillor has engaged in a conduct breach or misconduct; and	18 19 20 21 22
(4)	Section 150AA(2)(ca) to (e)—	23
	<i>renumber</i> as section 150AA(2)(d) to (f).	24
(5)	Section 150AA(3), from ‘a decision’—	25
	<i>omit, insert—</i>	26
	the decision.	27

Clause 52	Amendment of s 150AC (Referral of suspected inappropriate conduct)	1 2
(1)	Section 150AC, heading, ‘inappropriate conduct’— <i>omit, insert—</i>	3 4
	conduct breach	5
(2)	Section 150AC(2)(b), ‘inappropriate conduct’— <i>omit, insert—</i>	6 7
	a conduct breach	8
(3)	Section 150AC(3) and (4)— <i>omit.</i>	9 10
Clause 53	Amendment of s 150AE (Local government must adopt investigation policy)	11 12
(1)	Section 150AE(1) and (2)(a), ‘inappropriate conduct’— <i>omit, insert—</i>	13 14
	conduct breaches	15
(2)	Section 150AE(2)— <i>insert—</i>	16 17
	(ca) require the local government to prepare a report about each investigation; and	18 19
(3)	Section 150AE(2)— <i>insert—</i>	20 21
	(e) include a procedure about when the local government may decide not to start, or to discontinue, an investigation under section 150AEA.	22 23 24 25
(4)	Section 150AE(2)(ca) to (e)— <i>renumber</i> as section 150AE(2)(d) to (f).	26 27
(5)	Section 150AE(3)— <i>omit, insert—</i>	28 29

[s 54]

(3)	The policy must require the local government—	1
(a)	to give the councillor information about the suspected conduct, including details about the evidence of the conduct; and	2 3 4
(b)	to give the councillor a notice if an investigation is not started or is discontinued; and	5 6 7
(c)	for conduct the subject of a complaint—to give the person who made the complaint, if the contact details of the person are known, a notice if an investigation is not started or is discontinued; and	8 9 10 11 12
(d)	to give the councillor the preliminary findings of the investigation before preparing an investigation report about the investigation; and	13 14 15 16
(e)	to allow the councillor to give evidence or a written submission to the local government about the suspected conduct and preliminary findings; and	17 18 19 20
(f)	to consider any evidence and written submission given by the councillor in preparing the investigation report for the investigation; and	21 22 23 24
(g)	to include in the investigation report—	25
(i)	if evidence is given by the councillor—a summary of the evidence; and	26 27 28
(ii)	if the councillor gives a written submission—a full copy of the written submission.	29 30 31
Clause 54	Insertion of new s 150AEA	32
	After section 150AE—	33

insert—

**150AEA Local government may decide not to start,
or to discontinue, investigation**

(1) The local government may decide not to start, or to discontinue, an investigation about a councillor's conduct after receiving a referral notice if—

(a) for conduct the subject of a complaint—

(i) the complainant withdraws the complaint or consents to the investigation not being started or being discontinued; or

(ii) the complainant does not comply with a request by the local government for further information; or

(b) there is insufficient information to investigate the conduct.

(2) Also, the local government must discontinue an investigation if the office of the councillor is vacated during the investigation.

(3) If an investigation is discontinued under this section, the local government must not make a decision under section 150AG.

Clause 55 Amendment of s 150AF (Investigating suspected inappropriate conduct)

(1) Section 150AF, heading, 'inappropriate conduct'—

omit, insert—

conduct breach

(2) Section 150AF(1), 'The'—

omit, insert—

Subject to section 150AEA, the

[s 56]

- (3) Section 150AF(2) and (3)— 1
omit, insert— 2
 (2) In conducting the investigation, the local 3
 government must comply with the investigation 4
 policy. 5
- (4) Section 150AF(4)(a), from ‘further’— 6
omit, insert— 7
 a preliminary assessment under division 3A; and 8
- (5) Section 150AF(4)— 9
renumber as section 150AF(3). 10

- Clause 56 Insertion of new s 150AFA** 11
- After section 150AF— 12
insert— 13
- 150AFA Local government must make summary of 14
investigation report publicly available** 15
- (1) This section applies if an investigation report 16
about an investigation is given to the local 17
government to assist in the making of a decision 18
at a local government meeting under section 19
150AG. 20
- (2) However, this section does not apply in relation to 21
a decision by the Establishment and Coordination 22
Committee under the *City of Brisbane Act 2010*. 23
- (3) Before making the decision, the local government 24
must— 25
- (a) prepare a summary of the investigation 26
 report; and 27
- (b) make the summary publicly available on or 28
 before the day and time prescribed by 29
 regulation. 30
- (4) The summary must include— 31

-
- (a) the name of the councillor whose conduct has been investigated; and 1
2
- (b) a description of the alleged conduct; and 3
- (c) a statement of the facts established by the investigation; and 4
5
- (d) a description of how natural justice was afforded to the councillor during the conduct of the investigation; and 6
7
8
- (e) a summary of the findings of the investigation; and 9
10
- (f) any recommendations made by the entity that investigated the conduct. 11
12
- (5) However, the following information must not be made publicly available— 13
14
- (a) if the investigation relates to the conduct of a councillor that was the subject of a complaint— 15
16
17
- (i) the name of the person who made the complaint or any other person, other than the councillor; or 18
19
20
- (ii) information that could reasonably be expected to result in identifying a person mentioned in subparagraph (i); 21
22
23
- (b) if a person, other than the councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit— 24
25
26
27
28
- (i) the name of the person; or 29
- (ii) information that could reasonably be expected to result in identifying the person or any other person, other than the councillor; 30
31
32
33

[s 57]

	(c) any other information the local government is entitled or required to keep confidential under a law.	1 2 3
	<i>Examples for paragraph (c)—</i>	4
	• documents subject to legal professional privilege	5 6
	• information that is part of a public interest disclosure under the <i>Public Interest Disclosure Act 2010</i>	7 8 9
Clause 57	Insertion of new s 150AGA	10
	After section 150AG—	11
	<i>insert—</i>	12
	150AGA Local government must make investigation report publicly available	13 14
	(1) After making a decision under section 150AG, the local government must make the investigation report for the investigation publicly available—	15 16 17
	(a) if the decision is made at a local government meeting—on or before the day and time prescribed by regulation; or	18 19 20
	(b) otherwise—within 10 business days after the decision is made.	21 22
	(2) However, the following information contained in the investigation report must not be made publicly available—	23 24 25
	(a) if the investigation relates to the conduct of a councillor that was the subject of a complaint—	26 27 28
	(i) the name of the person who made the complaint or any other person, other than the councillor; or	29 30 31

-
- (ii) information that could reasonably be expected to result in identifying a person mentioned in subparagraph (i); 1
2
3
- (b) if a person, other than the councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit— 4
5
6
7
8
- (i) the name of the person; or 9
- (ii) information that could reasonably be expected to result in identifying the person or any other person, other than the councillor; 10
11
12
13
- (c) the submission or affidavit of, or a record or transcript of information provided orally by, a person mentioned in paragraph (b), including, for example, a transcript of an interview; 14
15
16
17
18
- (d) any other information the local government is entitled or required to keep confidential under a law. 19
20
21
- Examples for paragraph (d)—* 22
- documents subject to legal professional privilege 23
24
 - information that is part of a public interest disclosure under the *Public Interest Disclosure Act 2010* 25
26
27
- (3) The information mentioned in subsection (2)(a) must not be made publicly available even if the information— 28
29
30
- (a) is required to be declared under section 150EQ or the *City of Brisbane Act 2010*, section 177N; or 31
32
33
- (b) is otherwise required to be disclosed or made publicly available under this Act or the *City of Brisbane Act 2010*. 34
35
36

[s 58]

	(4) Despite subsections (2)(a) and (3), the report made publicly available must include the name of the person who made the complaint if—	1 2 3
	(a) the person is a councillor or the chief executive officer of the local government; and	4 5 6
	(b) the person’s identity as the complainant was disclosed at the meeting at which the report for the investigation was considered.	7 8 9
Clause 58	Amendment of s 150AH (Disciplinary action against councillor)	10 11
	(1) Section 150AH(1)(b)(i), from ‘admission’— <i>omit, insert—</i>	12 13
	apology, in the way decided by the local government, for the conduct;	14 15
	(2) Section 150AH(1)(b)(vii), ‘inappropriate conduct’— <i>omit, insert—</i>	16 17
	conduct breach	18
	(3) Section 150AH(2)— <i>omit.</i>	19 20
Clause 59	Insertion of new s 150AHA	21
	After section 150AH— <i>insert—</i>	22 23
	150AHA Notice to assessor	24
	(1) The local government must give the assessor a notice complying with subsection (2) as soon as practicable after the local government—	25 26 27

	(a) decides not to start, or to discontinue, an investigation of the councillor’s conduct under section 150AEA; or	1 2 3
	(b) makes a decision about whether or not the councillor has engaged in a conduct breach under section 150AG.	4 5 6
	(2) The notice must state—	7
	(a) the decision; and	8
	(b) the reasons for the decision; and	9
	(c) if an order is made under section 150AH—details about the order.	10 11
Clause 60	Amendment of s 150AK (Copy of application must be given to councillor)	12 13
	(1) Section 150AK(1)—	14
	<i>omit, insert—</i>	15
	(1) As soon as practicable after making the application, the assessor must give a copy of the application to the councillor.	16 17 18
	(2) Section 150AK(2), from ‘at least’ to ‘starts’—	19
	<i>omit, insert—</i>	20
	, including, for example, by giving the copy to the local government to give to the councillor	21 22
	(3) Section 150AK(3)—	23
	<i>omit.</i>	24
Clause 61	Insertion of new s 150AKA	25
	After section 150AK—	26
	<i>insert—</i>	27
	150AKA Withdrawing application	28
	(1) The assessor may, at any time before the	29

[s 62]

	application has been decided, withdraw the application, in whole or in part, if the assessor is satisfied the withdrawal is in the public interest.	1 2 3
(2)	Also, if the office of the councillor is vacated before the application is decided, the assessor must withdraw the application.	4 5 6
(3)	If the application is withdrawn under this section, as soon as practicable—	7 8
(a)	give a notice to the conduct tribunal that states the application is withdrawn in whole or in part and the reasons for the withdrawal; and	9 10 11 12
(b)	give a copy of the notice to—	13
(i)	if the application relates to the conduct of a councillor that was the subject of a complaint—the person who made the complaint, if the assessor has the person’s contact details; and	14 15 16 17 18
(ii)	the councillor; and	19
(iii)	the local government.	20
Clause 62	Amendment of s 150AL (Conduct tribunal must conduct hearing)	21 22
(1)	Section 150AL, heading, after ‘must’— <i>insert—</i>	23 24
	give notice to parties and	25
(2)	Section 150AL— <i>insert—</i>	26 27
(2)	The conduct tribunal must, at least 14 days before the application is heard, give the parties a notice that states the day, time and place of the hearing of the application.	28 29 30 31
(3)	If the conduct tribunal is unable to give the notice	32

	to the councillor, the conduct tribunal may take	1
	other reasonable steps to ensure the councillor is	2
	aware of the day, time and place of the hearing,	3
	including, for example, by giving the notice to the	4
	local government to give to the councillor.	5
Clause 63	Amendment of s 150AM (Constitution of conduct tribunal)	6
	(1) Section 150AM(a), from ‘at least’—	7
	<i>omit, insert—</i>	8
	not more than 3 members of the conduct tribunal	9
	chosen by the president; or	10
	(2) Section 150AM(b), from ‘councillor’—	11
	<i>omit, insert—</i>	12
	councillor—1 member chosen by the president.	13
		14
Clause 64	Amendment of s 150AR (Disciplinary action against councillor)	15
	(1) Section 150AR(1)(b)(i), from ‘admission’—	16
	<i>omit, insert—</i>	17
	apology, in the way decided by the conduct	18
	tribunal, for the conduct;	19
	(2) Section 150AR(1)(b)(v), ‘inappropriate conduct’—	20
	<i>omit, insert—</i>	21
	conduct breach	22
	(3) Section 150AR(2) and (3), ‘inappropriate conduct’—	23
	<i>omit, insert—</i>	24
	a conduct breach	25
	(4) Section 150AR(5)—	26
	<i>omit.</i>	27
		28

[s 65]

Clause 65	Amendment of s 150AS (Notices and publication of decisions and orders)	1 2
(1)	Section 150AS(1)(a), ‘inappropriate conduct’— <i>omit, insert—</i> a conduct breach	3 4 5
(2)	Section 150AS(1)(b), ‘inappropriate conduct’— <i>omit, insert—</i> conduct breach	6 7 8
(3)	Section 150AS(2)(b), ‘briefly states the’— <i>omit.</i>	9 10
(4)	Section 150AS(2)(b)— <i>insert—</i> (v) the department’s chief executive; and	11 12 13
(5)	Section 150AS(2)(c)— <i>omit, insert—</i> (c) give a publication notice for the decision to the department’s chief executive.	14 15 16 17
(6)	Section 150AS(5)— <i>omit, insert—</i> (5) The conduct tribunal must not give another entity any information that is part of a public interest disclosure under the <i>Public Interest Disclosure Act 2010</i> , unless giving the information is required or permitted by another Act. (6) The conduct tribunal must include the councillor’s name in a publication notice if the tribunal decided the councillor engaged in— (a) for an application that relates to alleged misconduct and an alleged conduct breach—misconduct or conduct breach (or both); or	18 19 20 21 22 23 24 25 26 27 28 29 30 31

(b)	for an application that relates only to alleged misconduct—misconduct.	1 2
(7)	In this section—	3
	publication notice , for a decision about a councillor means, a notice mentioned in subsection (2)(b) that has the following removed—	4 5 6 7
(a)	the name of the councillor, or information that could reasonably be expected to result in identifying the councillor, unless the councillor agrees or subsection (6) applies in relation to the decision;	8 9 10 11 12
(b)	if the conduct was the subject of a complaint—the name of the person who made the complaint;	13 14 15
(c)	the name of any other person;	16
(d)	information that could reasonably be expected to result in identifying a person mentioned in paragraph (b) or (c);	17 18 19
(e)	information the conduct tribunal considers is not in the public interest to include in the notice.	20 21 22
Clause 66	Insertion of new ss 150ATA and 150ATB	23
	After section 150AT—	24
	<i>insert—</i>	25
	150ATA Parties to a proceeding for review	26
	The parties to a proceeding for a review under section 150AT are—	27 28
(a)	the assessor; and	29
(b)	the councillor; and	30

[s 66]

- (c) any other person mentioned in the QCAT Act, section 40(1), other than the conduct tribunal. 1
2
3

150ATB Assessor must help QCAT 4

- (1) In a proceeding for a review under section 150AT— 5
6
 - (a) the QCAT Act, section 21 does not apply in relation to the conduct tribunal for the proceeding; and 7
8
9
 - (b) the assessor must use the assessor’s best endeavours to help QCAT so that it can make its decision on the review. 10
11
12
- (2) Without limiting subsection (1)(b), the assessor must provide the following to QCAT and the councillor within a reasonable period of not more than 28 days after the application is made under section 150AT— 13
14
15
16
17
 - (a) the notice about the decision given to the assessor under section 150AS; 18
19
 - (b) any document or thing in the assessor’s possession or control that may be relevant to QCAT’s review of the decision. 20
21
22
- (3) If QCAT considers there are additional documents or things in the assessor’s possession or control that may be relevant to QCAT’s review of the decision, QCAT may, by written notice, require the assessor to provide the documents or things. 23
24
25
26
27
28
- (4) The assessor must comply with a notice given under subsection (3) within the period stated in the notice. 29
30
31
- (5) A requirement under this section that the assessor give QCAT information or a document or other thing applies despite any provision in an Act 32
33
34

	prohibiting or restricting the disclosure of the information or the information contained in the document or thing.	1 2 3
	<i>Notes—</i>	4
	1 Under the QCAT Act, section 66, QCAT may make an order prohibiting the publication of the information, or the information contained in the document or thing, other than in the way and to the persons stated in the order.	5 6 7 8 9
	2 Under the QCAT Act, section 90(2), QCAT may direct a hearing, or a part of a hearing, in which the information, or information contained in the document or thing, is disclosed to be held in private.	10 11 12 13
Clause 67	Insertion of new ch 5A, pt 3, div 8	14
	After section 150AW—	15
	<i>insert—</i>	16
	Division 8 Vexatious complainants	17
	150AWA Vexatious complainants	18
	(1) The assessor may declare that a person is a vexatious complainant for the period, of not more than 4 years, stated in the declaration.	19 20 21
	(2) The assessor may make the declaration in relation to a person only if the assessor is satisfied that—	22 23
	(a) the person has repeatedly made complaints under this chapter; and	24 25
	(b) at least 3 of the complaints made by the person—	26 27
	(i) have been dismissed by the assessor as being frivolous or vexatious complaints under section 150SD(3)(b) or 150X; or	28 29 30
	(ii) have been made other than in good faith.	31 32

[s 67]

- (3) Before making the declaration, the assessor must— 1
2
- (a) give the person a reasonable opportunity to make a submission about the proposed declaration; and 3
4
5
- (b) consider any submission made by the person. 6
7
- (4) If the assessor decides to make the declaration, the assessor must give the person an information notice about the decision. 8
9
10
- (5) The assessor may publish a notice, in the way the assessor considers appropriate, that states— 11
12
- (a) the name of the person; and 13
- (b) the person has been declared a vexatious complainant; and 14
15
- (c) the reasons for the declaration; and 16
- (d) the day the declaration ends. 17
- (6) For subsection (2)(b)(ii), complaints made other than in good faith include, for example, the following— 18
19
20
- (a) complaints made for a mischievous purpose or made maliciously; 21
22
- (b) complaints that are an abuse of process for making complaints under this chapter; 23
24
- Example—* 25
- making a complaint after an avoidable delay for a mischievous purpose 26
27
- (c) complaints made to harass, annoy or cause detriment; 28
29
- (d) complaints made on grounds that lack substance or credibility. 30
31
- (7) In this section— 32
- make**, a complaint to the assessor, means— 33

-
- (a) make a complaint to the assessor under section 150O; or 1
2
 - (b) make a complaint to a government entity that is required, under section 150P, to refer the complaint to the assessor. 3
4
5

150AWB Declaration may be varied or revoked 6

- (1) The assessor may, for a declaration in effect under section 150AWA, shorten the period for which the declaration is in effect or revoke the declaration. 7
8
9
10
- (2) Also, a person the subject of a declaration under section 150AWA may apply to the assessor to shorten the period for which the declaration is in effect or revoke the declaration. 11
12
13
14
- (3) As soon as practicable after receiving the application, the assessor must— 15
16
 - (a) decide the application; and 17
 - (b) give the person a notice stating the decision and the reasons for the decision. 18
19
- (4) If the assessor decides to refuse the application, the notice must be an information notice about the decision. 20
21
22

150AWC Application for permission to make a complaint 23
24

- (1) A person the subject of a declaration under section 150AWA may apply to the assessor for permission to make a complaint. 25
26
27
- (2) As soon as practicable after receiving the application, the assessor must— 28
29
 - (a) decide the application; and 30

[s 68]

	(b) give the person a notice stating the decision and the reasons for the decision.	1 2
	(3) If the assessor decides to refuse the application, the notice must be an information notice about the decision.	3 4 5
Clause 68	Omission of ch 5A, pt 4, div 7 (Review)	6
	Chapter 5A, part 4, division 7—	7
	<i>omit.</i>	8
Clause 69	Insertion of new ch 5A, pt 4A	9
	Chapter 5A—	10
	<i>insert—</i>	11
	Part 4A Review	12
	Division 1 Preliminary	13
	150COA Definitions for part	14
	In this part—	15
	<i>affected person</i> , in relation to a decision, means, a person who is given, or is entitled to be given, an information notice under section 150AWA, 150AWB, 150AWC or 150CC.	16 17 18 19
	<i>applicant</i> , for a review decision, see section 150CR(1).	20 21
	<i>internal review</i> , of an original decision, see section 150CO.	22 23
	<i>original decision</i> means a decision made under section 150AWA, 150AWB, 150AWC or 150CC.	24 25
	<i>review decision</i> , of an original decision, see	26

section 150CQ(2). 1

Division 2 Internal review 2

150CO Who may apply for review 3

An affected person for an original decision may 4
apply to the assessor for a review (an *internal* 5
review) of the decision. 6

150CP Application for review 7

- (1) The application must— 8
- (a) be made within 30 days after— 9
 - (i) if the affected person is given an 10
information notice about the 11
decision—the person is given the 12
information notice; or 13
 - (ii) otherwise—the affected person 14
otherwise becomes aware of the 15
decision; and 16
 - (b) be in writing; and 17
 - (c) be supported by enough information to 18
enable the assessor to decide the 19
application. 20
- (2) The assessor may extend the time for making the 21
application if, within the 30-day period applying 22
under subsection (1), the affected person asks the 23
assessor to extend the time. 24

150CQ Review decision 25

- (1) Unless the assessor made the original decision 26
personally, the assessor must ensure the 27
application is not dealt with by— 28

[s 69]

- (a) the person who made the original decision; 1
or 2
- (b) a person in a less senior office in the Office 3
of the Independent Assessor than the person 4
who made the original decision. 5
- (2) Within 90 days after the application is made, the 6
assessor must review the original decision and 7
make a decision (the *review decision*)— 8
 - (a) confirming the original decision; or 9
 - (b) amending the original decision; or 10
 - (c) substituting another decision for the original 11
decision. 12
- (3) The assessor must make the review decision on 13
the material that led to the original decision and 14
any other material the assessor considers relevant. 15
- (4) The assessor must, as soon as practicable after 16
making the review decision, give the affected 17
person notice of the review decision. 18
- (5) If the review decision is not the decision sought 19
by the affected person, the notice must be a 20
QCAT information notice. 21

Division 3 External review 22

150CR External review by QCAT 23

- (1) This section applies in relation to a person (the 24
applicant) who is given, or is entitled to be given, 25
a QCAT information notice for a review decision. 26
- (2) If the applicant is dissatisfied with a review 27
decision made by the assessor, the applicant may 28
apply, as provided under the QCAT Act, to 29
QCAT for a review of the review decision. 30

150CS No power to stay review decision

If an applicant applies to QCAT for a review of a review decision, QCAT may not—

- (a) stay the operation of the review decision; or
- (b) grant an injunction in the proceeding for the review.

Clause 70 Amendment of s 150CU (Functions)

(1) Section 150CU(1)(a), from ‘investigate’ to ‘inappropriate conduct’—

omit, insert—

assess, investigate and deal with the conduct of councillors if it is alleged or suspected to be a conduct breach

(2) Section 150CU(1)(b), from ‘advice, training’ to ‘inappropriate conduct’—

omit, insert—

advice and information to councillors, local government employees and other persons about dealing with alleged or suspected conduct breaches

(3) Section 150CU(1)(d), before ‘investigate’—

insert—

assess or

Clause 71 Amendment of s 150DB (Conflict of interest)

Section 150DB(1), from ‘impartial’ to ‘into’—

omit, insert—

impartial preliminary assessment of, or investigation into,

[s 72]

Clause 72	Amendment of s 150DC (Vacancy of office)	1
	Section 150DC(c), from ‘for’—	2
	<i>omit, insert—</i>	3
	because the person—	4
	(i) is mentally or physically incapable of satisfactorily performing the assessor’s functions; or	5 6 7
	(ii) has performed the assessor’s functions incompetently or inefficiently; or	8 9
Clause 73	Amendment of s 150DE (Assessor not subject to outside direction)	10 11
	(1) Section 150DE(a), ‘an’—	12
	<i>omit, insert—</i>	13
	a preliminary assessment or	14
	(2) Section 150DE(b), after ‘to’—	15
	<i>insert—</i>	16
	preliminary assessments or	17
Clause 74	Amendment of s 150DL (Functions)	18
	(1) Section 150DL, heading—	19
	<i>omit, insert—</i>	20
	150DL Conduct tribunal’s functions	21
	(2) Section 150DL(1)(a)—	22
	<i>omit, insert—</i>	23
	(a) to hear and decide an application made by the assessor under chapter 5A, part 3, division 6; and	24 25 26
	(3) Section 150DL(2)—	27
	<i>omit.</i>	28

	(4) Section 150DL(3)—	1
	<i>renumber</i> as section 150DL(2).	2
Clause 75	Omission of s 150DLA (Referral of alleged misconduct to assessor)	3
	Section 150DLA—	4
	<i>omit.</i>	5
		6
Clause 76	Amendment of s 150DM (Membership of conduct tribunal)	7
	(1) Section 150DM—	8
	<i>insert—</i>	9
	(aa) the deputy president; and	10
	(2) Section 150DM(aa) and (b)—	11
	<i>renumber</i> as section 150DM(b) and (c).	12
		13
Clause 77	Insertion of new s 150DMA	14
	After section 150DM—	15
	<i>insert—</i>	16
	150DMA President’s functions	17
	The functions of the president include—	18
	(a) managing the business of the conduct tribunal to ensure it operates efficiently; and	19
	(b) selecting members to constitute the conduct tribunal for an application under part 3, division 6; and	20
	(c) issuing practice directions under section 150DV; and	21
	(d) managing the members of the tribunal including by—	22
		23
		24
		25
		26
		27

[s 78]

	(i) ensuring members are adequately and appropriately trained to enable the conduct tribunal to perform its functions effectively and efficiently; and	1 2 3 4 5
	(ii) for hearing a matter in which more than 1 member constitutes the conduct tribunal, regardless of whether the tribunal is constituted by the president—selecting 1 of the members to be the chairperson of the tribunal for the matter.	6 7 8 9 10 11 12
Clause 78	Amendment of s 150DN (Appointment of president and casual members)	13 14
	(1) Section 150DN, heading, after ‘president’— <i>insert—</i> , deputy president	15 16 17
	(2) Section 150DN(1) and (2)— <i>omit, insert—</i>	18 19
	(1) The Governor in Council may appoint—	20
	(a) a person to be the president of the conduct tribunal; and	21 22
	(b) a person to be the deputy president of the conduct tribunal; and	23 24
	(c) the number of persons the Governor in Council considers appropriate to be casual members of the conduct tribunal.	25 26 27
	(2) The president, deputy president and members of the conduct tribunal are appointed under this Act and not the <i>Public Sector Act 2022</i> .	28 29 30

Clause 79	Amendment of s 150DR (Vacancy of office)	1
	Section 150DR(c), from ‘for misbehaviour’—	2
	<i>omit, insert—</i>	3
	because the person—	4
	(i) is mentally or physically incapable of satisfactorily performing the member’s functions; or	5 6 7
	(ii) has performed the member’s functions carelessly, incompetently or inefficiently; or	8 9
	(iii) has engaged in conduct that would result in dismissal from the public service if the member were a public service officer; or	10 11 12
Clause 80	Amendment of s 150DS (Acting president)	13
	(1) Section 150DS(1), from ‘Minister’ to ‘president’—	14
	<i>omit, insert—</i>	15
	deputy president may act as the president for a period of not more than 6 months	16 17
	(2) Section 150DS(2)—	18
	<i>omit, insert—</i>	19
	(2) The Minister may appoint a casual member to act as the president for no more than 3 months in a 12-month period if—	20 21 22
	(a) the office of deputy president is vacant; or	23
	(b) the deputy president is absent or can not perform the duties of the office because of a conflict of interest or for any other reason.	24 25 26
Clause 81	Amendment of s 150DT (Conflict of interest)	27
	(1) Section 150DT(1), ‘or investigation of’—	28
	<i>omit.</i>	29

[s 82]

- (2) Section 150DT(4)— 1
omit, insert— 2
(4) If both the president and deputy president give the 3
Minister a notice about a conflict of interest in 4
relation to a matter, the Minister must nominate a 5
casual member to act as the president in relation 6
to the matter. 7

Clause 82 Amendment of s 150DU (Costs of conduct tribunal to be met by local government) 8
9

- (1) Section 150DU(1)— 10
omit, insert— 11
(1) A local government must pay the costs of the 12
conduct tribunal for a hearing under part 3, 13
division 6 about the misconduct or conduct breach 14
of a councillor. 15
(2) Section 150DU(2), from ‘hearing’— 16
omit, insert— 17
hearing. 18

Clause 83 Amendment of s 150DX (Local governments to keep and publish register) 19
20

- (1) Section 150DX(1)(a), after ‘councillors’— 21
insert— 22
, including the chairperson, 23
(2) Section 150DX(1)— 24
insert— 25
(aa) decisions not to start, or to discontinue, 26
investigations of suspected conduct 27
breaches of councillors under section 28
150AEA; 29

-
- (3) Section 150DX(1)(b), ‘inappropriate conduct’— 1
omit, insert— 2
conduct breaches 3
- (4) Section 150DX(1)(c), ‘inappropriate conduct’— 4
omit, insert— 5
a conduct breach 6
- (5) Section 150DX(1)(d) and (e)— 7
omit. 8
- (6) Section 150DX(1)(aa) to (c)— 9
renumber as section 150DX(1)(b) to (d). 10

Clause 84 Amendment of s 150DY (Content of register—decisions) 11

- (1) Section 150DY(1)— 12
insert— 13
(aa) a decision by the local government to make 14
an order against the chairperson under 15
section 150IA for unsuitable meeting 16
conduct; 17
- (2) Section 150DY(1)(b), ‘inappropriate conduct’— 18
omit, insert— 19
conduct breach 20
- (3) Section 150DY(1)— 21
insert— 22
(ba) a decision by the local government under 23
section 150AEA not to start, or to 24
discontinue, an investigation of a matter the 25
subject of a referral notice; 26
- (4) Section 150DY(1)(c), ‘inappropriate conduct’— 27
omit, insert— 28

[s 85]

	conduct breach	1
(5)	Section 150DY(1)(d)— <i>omit.</i>	2 3
(6)	Section 150DY(1)(aa) to (c)— <i>renumber</i> as section 150DY(1)(b) to (e).	4 5
(7)	Section 150DY(2), note— <i>omit, insert—</i> <i>Note—</i> See section 150AS(2)(b) and (4) for the conduct tribunal’s obligation to give the local government a notice about a decision of the conduct tribunal.	6 7 8 9 10 11
(8)	Section 150DY(3)(a), ‘inappropriate conduct’— <i>omit, insert—</i> a conduct breach	12 13 14
(9)	Section 150DY(4)— <i>omit insert—</i> (4) A summary of the decision included in the register must not include the name of any person, or information that could reasonably be expected to result in identifying a person, other than the name of the councillor under subsection (2)(b) and (3).	15 16 17 18 19 20 21 22
Clause 85	Omission of s 150DZ (Content of register—dismissed complaints) Section 150DZ— <i>omit.</i>	23 24 25 26
Clause 86	Amendment of s 150EB (Annual report) Section 150EB(2)(a)(ii) to (vii)— <i>omit, insert—</i>	27 28 29

(ii)	decisions under section 150SD or 150W in relation to preliminary assessments or investigations;	1 2 3
(iii)	investigations conducted by the office;	4
(iv)	requests for further information under section 150SC that have not been complied with;	5 6 7
(v)	decisions not to start, or to discontinue, investigations under section 150AEA;	8 9
(vi)	decisions under section 150AG in relation to suspected conduct breaches;	10 11
(vii)	matters relating to suspected conduct breaches of councillors for which a decision has not yet been made under section 150AG, other than matters mentioned in subparagraph (v);	12 13 14 15 16
(viii)	suspected corrupt conduct notified by the assessor to the Crime and Corruption Commission;	17 18 19
(ix)	decisions about whether councillors engaged in misconduct or conduct breaches made by the conduct tribunal;	20 21 22
(x)	decisions made under sections 150AWA, 150AWB and 150AWC; and	23 24
Clause 87	Amendment of s 150EF (Personal interests in ordinary business matters of a local government)	25 26
(1)	Section 150EF(1)(c)—	27
	<i>omit, insert—</i>	28
(c)	is solely, or relates solely to, the preparation, adoption or amendment of a budget for the local government; or	29 30 31
(ca)	is solely, or relates solely to, preparing, adopting or amending a document	32 33

[s 87]

- prescribed by regulation that the local government is required to prepare or adopt under a Local Government Act; or
- (cb) is solely, or relates solely to—
- (i) the making of a donation to a religious, charitable or non-profit institution or organisation, unless a councillor, or close associate or related party of a councillor, receives a benefit because of the donation that is more than merely a benefit relating to reputation; or
- (ii) a councillor representing the local government in an official capacity at an event held by a government agency or an entity that is wholly owned by the local government; or
- (cc) is solely, or relates solely to, employment-related or upgraded travel or accommodation undertaken or used by a councillor, or close associate or related party of a councillor; or
- (2) Section 150EF(1)(ca) to (d)—
renumber as section 150EF(1)(d) to (g).
- (3) Section 150EF—
insert—
- (4) In this section—
government agency means—
- (a) the State, a government entity or another local government; or
- (b) another Australian government or an entity of another Australian government; or
- (c) a local government of another State.

-
- (4) Section 150EF(2A) to (4)— 1
renumber as section 150EF(3) to (5). 2

- Clause 88** **Amendment of s 150EH (When councillor has *prescribed conflict of interest*—sponsored travel or accommodation benefits)** 3
4
5
Section 150EH(2), definition *employment-related* or 6
upgraded— 7
omit. 8

- Clause 89** **Amendment of s 150EJ (Who is a *close associate* of a councillor)** 9
10
Section 150EJ(2)— 11
omit, insert— 12
(2) However, the person is a close associate of the 13
councillor in relation to a matter only if the 14
councillor knows, or ought reasonably to know, 15
about the person’s involvement in the matter. 16

- Clause 90** **Amendment of s 150EO (Interests that are not declarable conflicts of interest)** 17
18
Section 150EO(1)— 19
insert— 20
(g) the conflict of interest arises solely 21
because— 22
(i) the councillor is, or has been, a 23
member of a group of candidates for an 24
election or a previous election with 25
another councillor; or 26
(ii) the same political party endorsed the 27
candidature of the councillor and 28
another councillor for an election or a 29
previous election; or 30

[s 91]

	(iii) the councillor has been elected or appointed at the same time, or has held office during the same period, as another councillor.	1 2 3 4
Clause 91	Amendment of s 150EP (Who is a <i>related party</i> of a councillor)	5 6
	Section 150EP(2)—	7
	<i>omit, insert—</i>	8
	(2) However, the person is a related party of the councillor in relation to a matter only if the councillor knows, or ought reasonably to know, about the person’s involvement in the matter.	9 10 11 12
Clause 92	Insertion of new s 150EPA	13
	After section 150EP—	14
	<i>insert—</i>	15
	150EPA Councillor must not participate in decisions unless authorised	16 17
	If a councillor has a declarable conflict of interest in a matter, the councillor must not participate in a decision relating to the matter unless the councillor participates in the decision—	18 19 20 21
	(a) in compliance with a decision made under section 150ES; or	22 23
	(b) under an approval given under section 150EV.	24 25
	<i>Note—</i>	26
	Contravention of this section is misconduct that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(iii). Also, this section is a relevant integrity provision for the offence against section 201D—see section 201D(2), definition <i>relevant integrity provision</i> .	27 28 29 30 31 32

Clause 93	Amendment of s 150EQ (Obligation of councillor with declarable conflict of interest)	1 2
(1)	Section 150EQ(2), from ‘councillor—’— <i>omit, insert—</i> councillor must immediately inform the meeting of the declarable conflict of interest, including the particulars stated in subsection (4).	3 4 5 6 7
(2)	Section 150EQ(3)(a)— <i>omit.</i>	8 9
(3)	Section 150EQ(3)(b) and (c)— <i>renumber</i> as section 150EQ(3)(a) and (b).	10 11
(4)	Section 150EQ(5)— <i>omit.</i>	12 13
Clause 94	Amendment of s 150EU (Procedure if no quorum for deciding matter because of prescribed conflicts of interest or declarable conflicts of interest)	14 15 16
(1)	Section 150EU(2)(c), after ‘to the matter’— <i>insert—</i> unless this Act or another Act provides that the local government must decide the matter	17 18 19 20
(2)	Section 150EU(4), ‘150EQ(2)(a) or (3)(a)’— <i>omit, insert—</i> 150EPA	21 22 23
Clause 95	Amendment of s 150EW (Duty to report another councillor’s prescribed conflict of interest or declarable conflict of interest)	24 25 26
(1)	Section 150EW(1)(b), ‘150EQ(2)(a) or (3)(a)’— <i>omit, insert—</i>	27 28

[s 96]

	150EPA	1
(2)	Section 150EW—	2
	<i>insert—</i>	3
(4)	If the belief or suspicion relates to more than 1 councillor, subsections (2) and (3) must be complied with in relation to each councillor separately.	4 5 6 7
Clause 96	Amendment of s 150EX (Obligation of councillor if conflict of interest reported under s 150EW)	8 9
(1)	Section 150EX—	10
	<i>insert—</i>	11
(2A)	If subsection (2) must be complied with in relation to a belief or suspicion about more than 1 councillor, a decision under subsection (2)(b) must be made in relation to each councillor separately.	12 13 14 15 16
(2)	Section 150EX(2A) to (4)—	17
	<i>renumber</i> as section 150EX(3) to (5).	18
Clause 97	Insertion of new s 169A	19
	After section 169—	20
	<i>insert—</i>	21
	169A Councillor training	22
(1)	A councillor must complete approved councillor training about the responsibilities of councillors under section 12.	23 24 25
(2)	The training must be completed by the councillor—	26 27
	(a) within the period prescribed by regulation; or	28 29

-
- (b) if the department’s chief executive extends the period for the councillor—within the extended period. 1
2
3
- (3) The department’s chief executive may extend the period under subsection (2)(b) only if the department’s chief executive is satisfied it would be appropriate in the circumstances. 4
5
6
7
- Example of when an extension may be appropriate in the circumstances—* 8
9
- the councillor is unable to complete the training due to unavoidable absence 10
11
- (4) The department’s chief executive must publish a notice about the approved councillor training on the department’s website within the period prescribed by regulation. 12
13
14
15
- (5) Also, the department’s chief executive must give a notice about the approved councillor training— 16
17
- (a) to each local government and each councillor of the local government within the period prescribed by regulation; and 18
19
20
- (b) if a councillor is appointed or elected to fill a vacancy in the office of another councillor—to the local government and the councillor within 20 business days after the councillor is appointed or elected. 21
22
23
24
25
- (6) A notice under subsections (4) and (5) must state the following— 26
27
- (a) a description of the approved councillor training; 28
29
- (b) the requirements for successful completion of the training; 30
31
- (c) for a notice given under subsection (5)—when the training must be completed by the councillor. 32
33
34
- (7) A regulation may prescribe requirements for the 35
-

[s 98]

	training required under this section, including—	1
	(a) the format of the training; and	2
	(b) requirements about how the training may be successfully completed.	3 4
	(8) In this section—	5
	<i>approved councillor training</i> means training that—	6 7
	(a) meets the requirements prescribed by regulation under subsection (7); and	8 9
	(b) is approved by the department’s chief executive.	10 11
Clause 98	Amendment of s 170 (Giving directions to local government staff)	12 13
	(1) Section 170(3), note—	14
	<i>omit.</i>	15
	(2) Section 170—	16
	<i>insert—</i>	17
	(3A) The mayor or another councillor must not give a direction in contravention of subsection (2) or (3).	18 19
	<i>Note—</i>	20
	Contravention of this subsection is misconduct that could result in disciplinary action being taken against the councillor. See sections 150L(1)(c)(iii), 150AQ and 150AR.	21 22 23 24
	(3) Section 170(3A) and (4)—	25
	<i>renumber</i> as section 170(4) and (5).	26
Clause 99	Amendment of s 201D (Dishonest conduct of councillor or councillor advisor)	27 28
	(1) Section 201D(2), definition <i>relevant integrity provision</i> , paragraph (a)—	29 30

	<i>insert—</i>	1
	(ia) section 150EPA;	2
(2)	Section 201D(2), definition <i>relevant integrity provision</i> , paragraph (a)(ia) to (viii)—	3 4
	<i>renumber</i> as paragraph (a)(iii) to (ix).	5
Clause 100	Amendment of s 239 (Substituted service)	6
	Section 239(3)(a) and (b)—	7
	<i>omit, insert—</i>	8
	(a) publishing a notice that contains a copy of the document on the local government’s website; or	9 10 11
	(b) publishing a notice that contains a summary of the document in—	12 13
	(i) a newspaper that is circulating generally throughout the State; and	14 15
	(ii) the gazette.	16
Clause 101	Amendment of s 257 (Delegation of local government powers)	17 18
	Section 257(2), from ‘about a’ to ‘150AG’—	19
	<i>omit, insert—</i>	20
	about an investigation or a councillor’s conduct under section 150AEA or 150AG	21 22
Clause 102	Insertion of new ch 9, pt 18	23
	Chapter 9—	24
	<i>insert—</i>	25

[s 102]

Part 18	Transitional provisions for Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023	1 2 3 4 5
343	Definitions for part	6
	In this part—	7
	<i>amending Act</i> means the <i>Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023</i> .	8 9 10
	<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	11 12 13
	<i>former councillor</i> means a person mentioned in former section 150M.	14 15
	<i>new</i> , for a provision of this Act, means the provision as in force from the commencement.	16 17
344	Part does not apply to particular conduct	18
	This part does not apply in relation to conduct engaged in by a councillor if section 322 applies in relation to the conduct.	19 20 21
345	Continued application of former definitions <i>inappropriate conduct</i> and <i>misconduct</i> for chapter 5A	22 23 24
(1)	This section applies in relation to conduct engaged in by a councillor before the commencement.	25 26 27
(2)	In deciding how to deal with the conduct under chapter 5A, the assessor, a local government official, the local government and the conduct	28 29 30

-
- tribunal must apply— 1
- (a) the definition of inappropriate conduct 2
under former section 150K, including in 3
relation to new chapter 5A, as if a reference 4
to a conduct breach were a reference to 5
inappropriate conduct under that section; 6
and 7
- (b) the definition of misconduct as defined 8
under former section 150L. 9

346 Existing investigations by assessor 10

- (1) This section applies if— 11
- (a) before the commencement— 12
- (i) the assessor was required to investigate 13
the conduct of a councillor the subject 14
of a complaint, notice or information 15
under former section 150T(1)(a), (b) or 16
(c); or 17
- (ii) the assessor was required to investigate 18
the conduct of a councillor that was not 19
suspected corrupt conduct under 20
former section 150T(1)(e); or 21
- (iii) the assessor, on the assessor’s own 22
initiative, has or could have 23
investigated the conduct of a councillor 24
under former section 150U; and 25
- (b) immediately before the commencement, the 26
assessor had not made a decision about the 27
conduct under former section 150W. 28
- (2) On the commencement— 29
- (a) if an investigation had not started before the 30
commencement—the assessor is not 31
required to start the investigation under 32
former chapter 5A, part 3, division 4; and 33

[s 102]

- (b) if an investigation had been started before the commencement—the investigation is taken never to have been started; and
 - (c) the assessor must make a preliminary assessment of the matter under new chapter 5A, part 3, division 3A or section 150SF as if it were a matter mentioned in section 150SA.
- (3) In making the preliminary assessment or conducting any further investigation of the matter—
- (a) new chapter 5A, part 3, division 3A applies, other than new sections 150SB and 150SD(2)(b) and (3)(d); and
 - (b) the assessor may consider information obtained by the assessor during any investigation of the councillor’s conduct before the commencement.

347 Existing investigations by a local government

- (1) This section applies if—
- (a) before the commencement, the assessor had given a local government a referral notice about a councillor’s conduct under former section 150AC; and
 - (b) immediately before the commencement, the local government had not made a decision about the conduct the subject of the notice under former section 150AG.
- (2) The local government must continue to investigate and make a decision in relation to the conduct under former chapter 5A, part 3, division 5.
- (3) However—

-
- (a) new section 150AEA applies in relation to the investigation about the conduct; and 1
2
- (b) new section 150AF(3)(a) applies in relation to information obtained in investigating the conduct; and 3
4
5
- (c) new section 150AH(1)(b)(i) applies in relation to the order the local government may make about the conduct under section 150AH; and 6
7
8
9
- (d) new section 150AHA applies in relation to a decision mentioned in that section relating to the investigation. 10
11
12
- (4) Also, if, before a decision about the conduct is made under section 150AG, an investigation policy is adopted by the local government in compliance with new section 150AE, the local government must, from the day the policy is adopted— 13
14
15
16
17
18
- (a) comply with the investigation policy in investigating and making a decision about the conduct under new chapter 5A, part 3, division 5; and 19
20
21
22
- (b) comply with new section 150AFA in relation to an investigation report about the conduct; and 23
24
25
- (c) if an investigation report is prepared under new section 150AFA—comply with new section 150AGA in relation to the investigation report. 26
27
28
29
- (5) On and from the commencement, the local government must not start, or must discontinue, an investigation of conduct under former chapter 5A, part 3, division 5 if— 30
31
32
33
- (a) the councillor was a former councillor when the conduct was referred to the local government; or 34
35
36

[s 102]

- (b) the conduct relates solely to behaviour engaged in by the councillor in a personal capacity. 1
2
3
 - (6) If subsection (5) applies, the local government must, as soon as practicable after the commencement, give a notice to the following advising that the investigation has not been started or has been discontinued— 4
5
6
7
8
 - (a) the assessor; 9
 - (b) the councillor or former councillor who engaged in the conduct; 10
11
 - (c) if the conduct is the subject of a complaint—the person who made the complaint, if the local government has the person’s contact details. 12
13
14
15
- 348 Existing investigations by the conduct tribunal** 16
- (1) This section applies if— 17
 - (a) before the commencement, the conduct tribunal started an investigation of the conduct of a councillor at the request of a local government as mentioned in section 150DL(1)(a)(i); and 18
19
20
21
22
 - (b) immediately before the commencement, the conduct tribunal had not— 23
24
 - (i) completed the investigation; or 25
 - (ii) referred the conduct to the assessor under former section 150DLA. 26
27
 - (2) Former sections 150DL, 150DLA and 150DU continue to apply in relation to the investigation as if the amending Act had not been enacted. 28
29
30
 - (3) However, if section 150DLA applies— 31
 - (a) despite former section 150DLA(2), the conduct tribunal must refer the conduct to 32
33

-
- the assessor for a preliminary assessment 1
under part 3, division 3A; and 2
- (b) new chapter 5A, part 3 applies in relation to 3
the conduct as if the referral were 4
information given to the assessor about the 5
conduct of the councillor mentioned in new 6
section 150SA(c). 7
- 349 Existing referrals by conduct tribunal if 8
investigation not started 9**
- (1) This section applies if— 10
- (a) before the commencement, the conduct 11
tribunal had referred alleged conduct of a 12
councillor to the assessor under former 13
section 150DLA; and 14
- (b) immediately before the commencement, the 15
assessor had not started an investigation of 16
the councillor’s conduct under former 17
chapter 5A, part 3, division 4. 18
- (2) On the commencement, the assessor must make a 19
preliminary assessment of the referral under new 20
chapter 5A, part 3, division 3A as if the referral 21
were information given to the assessor about the 22
conduct of the councillor mentioned in new 23
section 150SA(c). 24
- (3) In making the preliminary assessment or 25
conducting any further investigation of the matter 26
the subject of the referral— 27
- (a) new chapter 5A, part 3, division 3A applies, 28
other than new sections 150SB and 29
150SD(2)(b) and (3)(d); and 30
- (b) the assessor may consider any information 31
obtained by the conduct tribunal during the 32
investigation of the councillor’s conduct 33
before the commencement. 34

[s 102]

350 Particular conduct tribunal applications taken to be withdrawn	1 2
(1) This section applies if—	3
(a) before the commencement, the assessor had applied to the conduct tribunal in relation to conduct engaged in by a councillor, including a former councillor, under former section 150AJ; and	4 5 6 7 8
(b) immediately before the commencement, the conduct tribunal had not made a decision under section 150AQ; and	9 10 11
(c) 1 or more of the following circumstances applies—	12 13
(i) the councillor was a former councillor when the application was made;	14 15
(ii) after the commencement, the office of the councillor is vacated;	16 17
(iii) the conduct relates solely to behaviour engaged in by the councillor in a personal capacity, unless the conduct is suspected corrupt conduct;	18 19 20 21
(iv) if the conduct is alleged misconduct, other than conduct mentioned in section 150AJ(1)(b)—the conduct is a contravention of the acceptable request guidelines of the local government under section 170A or the <i>City of Brisbane Act 2010</i> , section 244;	22 23 24 25 26 27 28
(v) the councillor or person was the chairperson of a local government meeting and the councillor’s conduct relates solely to the councillor performing the role of chairperson at the meeting;	29 30 31 32 33 34

-
- (vi) the conduct relates to a conflict of interest matter mentioned in new section 150EF(1)(c), (d), (e) or (f) or 150EO(1)(g) or the *City of Brisbane Act 2010*, new section 177C(1)(c), (d), (e) or (f) or 177L(1)(g);
- (vii) the conduct relates to a conflict of interest matter that involves a close associate of the councillor who, because of the commencement of the amending Act, section 11 or 89, stopped being a close associate;
- (viii) the conduct relates to a conflict of interest matter that involves a related party of the councillor who, because of the commencement of the amending Act, section 13 or 91, stopped being a related party.
- (2) The assessor must, before the application is decided, withdraw—
- (a) if a circumstance mentioned in subsection (1)(c)(i) or (ii) applies—the application; or
- (b) if a circumstance mentioned in subsection (1)(c)(iii) to (viii) applies—the part of the application relating to the circumstance.
- (3) If the application, or part of the application, is withdrawn under subsection (2), the assessor must, as soon as practicable—
- (a) give a notice to the conduct tribunal advising of the withdrawal; and
- (b) give a copy of the notice to—
- (i) if the application relates to conduct the subject of a complaint—the person who made the complaint, if the assessor has the person’s contact details; and

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(ii) the councillor or former councillor; and	1
(iii) the local government.	2
351 Preliminary assessments for particular former councillors	3
	4
(1) This section applies if—	5
(a) before the commencement—	6
(i) the assessor, a local government or the conduct tribunal had started an investigation of the conduct of a former councillor; or	7 8 9 10
(ii) the assessor had made an application under former section 150AJ in relation to the conduct of a former councillor; and	11 12 13 14
(b) on or after the commencement, the investigation is discontinued under section 347(5) or the referral is withdrawn under section 350(1)(c)(i) and (2); and	15 16 17 18
(c) within 12 months after the commencement the former councillor is elected or appointed as a councillor for a new term of office.	19 20 21
(2) The assessor must make a preliminary assessment under new chapter 5A, part 3, division 3A of the matter as if it were information given to the assessor about the conduct of the councillor mentioned in new section 150SA(c).	22 23 24 25 26
(3) New chapter 5A applies in relation to the conduct as if the complaint, notice or information were made or given to the assessor on the day the new term of office starts.	27 28 29 30
352 References to inappropriate conduct	31
Subject to this part, a reference in an Act or	32

	document to inappropriate conduct may, if the context permits, be taken to be a reference to a conduct breach.	1 2 3
	353 Declarations about persons who made complaints before commencement	4 5
	(1) For a declaration under new section 150AWA that a person is a vexatious complainant, the assessor may, for section 150AWA(2)(b), consider a complaint made by the person before the commencement.	6 7 8 9 10
	(2) However, a declaration can not be made for a person solely in relation to complaints made by the person before the commencement.	11 12 13
	354 Review by QCAT of particular decisions made by the conduct tribunal	14 15
	New sections 150ATA and 150ATB apply in relation to an application for review of a decision made after the commencement, whether the decision the subject of the review is made before or after the commencement.	16 17 18 19 20
Clause 103	Amendment of sch 4 (Dictionary)	21
	(1) Schedule 4, definition <i>inappropriate conduct</i> — <i>omit.</i>	22 23
	(2) Schedule 4— <i>insert—</i>	24 25
	<i>affected person</i> , for chapter 5A, part 4A, see section 150COA.	26 27
	<i>applicant</i> , for chapter 5A, part 4A, see section 150CR(1).	28 29
	<i>conduct breach</i> , for chapter 5A, see section	30

[s 103]

150K.	1
<i>deputy president</i> , of the conduct tribunal, means	2
the person appointed as the deputy president of	3
the conduct tribunal under section 150DN(2).	4
<i>employment-related or upgraded travel or accommodation</i> , for a person, means—	5
(a) travel or accommodation paid for by the	7
State or a local government; or	8
(b) travel or accommodation paid for by LGAQ	9
Ltd for the purpose of a councillor attending	10
a meeting of the policy executive	11
established under the constitution of LGAQ	12
Ltd; or	13
(c) travel or accommodation that is—	14
(i) undertaken or used by the person in the	15
course of the person’s employment;	16
and	17
(ii) is contributed to, whether financially or	18
non-financially, by the person’s	19
employer; or	20
(d) if the person is a director of a	21
corporation—travel or accommodation that	22
is—	23
(i) undertaken or used by the person in the	24
course of carrying out the person’s	25
duties as a director; and	26
(ii) is contributed to, whether financially or	27
non-financially, by the corporation; or	28
(e) if the travel is airline travel—an upgrade to	29
the travel given by the provider of the travel	30
for no charge; or	31
<i>Example—</i>	32
a free air travel upgrade to business class	33

-
- (f) an upgrade to the accommodation given by the provider of the accommodation for no charge. 1
2
3
Example— 4
a free accommodation upgrade to a larger room 5
internal review, for chapter 5A, part 4A, see section 150CO. 6
7
investigation report, for chapter 5A, see section 150C. 8
9
LGAQ Ltd means the Local Government Association of Queensland Ltd ABN 11 010 883 293. 10
11
12
local government official, for chapter 5A, see section 150C. 13
14
original decision, for chapter 5A, part 4A, see section 150COA. 15
16
publicly available means available for inspection by the public at a local government’s public office and on its website. 17
18
19
review decision, for chapter 5A, part 4A, see section 150CQ(2). 20
21
(3) Schedule 4, definition *casual member*, ‘150DN(2)’— 22
omit, insert— 23
150DN(1)(c) 24

Part 5 **Amendment of Local Government Regulation 2012** 25
26

Clause 104 **Regulation amended** 27
This part amends the *Local Government Regulation 2012*. 28

[s 105]

Clause 105	Amendment of s 186 (Councillors)	1
(1)	Section 186(1)(d)—	2
	<i>insert</i> —	3
	(ia) orders made under section 150IA(2)(b) of the Act;	4
		5
(2)	Section 186(1)(d)(ia) to (iii)—	6
	<i>renumber</i> as section 186(1)(d)(ii) to (iv).	7
(3)	Section 186(1)(e)(ii) and (f)(viii), ‘inappropriate conduct’—	8
	<i>omit, insert</i> —	9
	conduct breach	10
(4)	Section 186(1)(f)(v) and (vi)—	11
	<i>omit.</i>	12
(5)	Section 186(1)(f)(vii), ‘section 150AF(4)(a)’—	13
	<i>omit, insert</i> —	14
	section 150AF(3)(a)	15
(6)	Section 186(1)(f)(ix), ‘inappropriate conduct’—	16
	<i>omit, insert</i> —	17
	a conduct breach	18
(7)	Section 186(1)—	19
	<i>insert</i> —	20
	(g) the total number of referral notices given to the local government under section 150AC(1) of the Act during the financial year; and	21 22 23 24
	(h) for suspected conduct breaches the subject of a referral notice mentioned in paragraph (g)—	25 26 27
	(i) the total number of suspected conduct breaches; and	28 29

-
- (ii) the total number of suspected conduct breaches for which an investigation was not started or was discontinued under section 150AEA of the Act; and 1
2
3
4
- (i) the number of decisions made by the local government under section 150AG(1) of the Act during the financial year; and 5
6
7
- (j) the number of matters not decided by the end of the financial year under section 150AG(1) of the Act; and 8
9
10
- (k) the average time taken by the local government in making a decision under section 150AG(1) of the Act. 11
12
13
- (8) Section 186(2), definition *councillor*— 14
omit. 15

- Clause 106 Insertion of new s 239C** 16
- After section 239B— 17
insert— 18
- 239C When summary of investigation report or investigation report must be made publicly available** 19
20
21
- (1) For section 150AFA(3)(b) of the Act, the day and time prescribed is 5p.m. on the next business day after notice of the meeting at which the decision is to be made is given under— 22
23
24
25
- (a) for the Brisbane City Council—the *City of Brisbane Regulation 2012*, section 242C; or 26
27
- (b) for another local government—section 28
254C. 29
- (2) However, if the agenda for the meeting is made publicly available under section 254D or the *City of Brisbane Regulation 2012*, section 242D before the day and time mentioned in subsection 30
31
32
33

[s 107]

	(1), the day and time prescribed is the day and time when the agenda is made publicly available.	1 2
	(3) For section 150AGA(1)(a) of the Act, the day and time prescribed is 5p.m. on the tenth day after the meeting at which the decision is made is held.	3 4 5
	(4) However, if minutes for the meeting are made publicly available under section 254F or the <i>City of Brisbane Regulation 2012</i> , section 242F before the day and time mentioned in subsection (3), the day and time prescribed is the day and time when the minutes are made publicly available.	6 7 8 9 10 11
Clause 107	Amendment of s 254D (Public availability of agendas)	12
	Section 254D(5), definition <i>related report</i> —	13
	<i>omit, insert</i> —	14
	<i>related report</i> , for a local government meeting—	15
	(a) means a report or other document relating to an item on the agenda for the meeting that is made available to councillors or committee members for the purposes of the meeting; but	16 17 18 19 20
	(b) does not include a summary of an investigation report or an investigation report required to be made publicly available under section 150AFA or 150AGA of the Act.	21 22 23 24 25
Clause 108	Amendment of s 254H (Recording of reasons for particular decisions)	26 27
	(1) Section 254H—	28
	<i>insert</i> —	29
	(1A) Also, this section applies if a decision is made at a local government meeting about a conduct breach under section 150AG of the Act that is	30 31 32

	inconsistent with a recommendation made by the entity who conducted the investigation into the conduct.	1 2 3
(2)	Section 254H(1A) to (3)— <i>renumber</i> as section 254H(2) to (4).	4 5
Clause 109	Amendment of s 254J (Closed meetings)	6
	Section 254J(3)—	7
	<i>insert</i> —	8
	(j) an investigation report given to the local government under chapter 5A, part 3, division 5 of the Act.	9 10 11
Clause 110	Amendment of sch 8 (Dictionary)	12
	Schedule 8, definition <i>publicly available</i> —	13
	<i>omit</i> .	14
Part 6	Amendment of Local Government Electoral Act 2011	15 16
Clause 111	Act amended	17
	This part amends the <i>Local Government Electoral Act 2011</i> .	18
Clause 112	Amendment of s 34 (Procedure if number of candidates not more than number required)	19 20
	Section 34(1)(b), from ‘a notice’—	21
	<i>omit, insert</i> —	22
	a notice, in the approved form, that the nominees are taken to have been elected—	23 24
	(i) on the electoral commission’s website; and	25

[s 113]

	(ii) in other ways the returning officer considers appropriate.	1 2
Clause 113	Amendment of s 45 (Direction that poll be conducted by postal ballot)	3 4
	Section 45(4)(b), from ‘in a newspaper’—	5
	<i>omit, insert—</i>	6
	on the local government’s website, and in other ways the local government considers appropriate.	7 8
Clause 114	Replacement of s 202 (Local governments responsible for expenditure incurred by electoral commission)	9 10
	Section 202—	11
	<i>omit, insert—</i>	12
	202 Electoral commission may recover expenditure incurred for conducting elections	13 14
	(1) A local government is liable to pay all costs incurred by the electoral commission for conducting an election in the local government’s area, including the remuneration, allowances and reasonable expenses paid to members or staff of the electoral commission.	15 16 17 18 19 20
	(2) The electoral commission may decide to recover all or part of the costs mentioned in subsection (1) from the local government.	21 22 23
	(3) If an election is conducted by the electoral commission in 2 or more local government areas using a shared and centrally administered service, the electoral commission may recover the costs incurred from the local governments for the areas collectively.	24 25 26 27 28 29
	(4) The costs recoverable by the electoral commission under this section include costs incurred by the electoral commission in carrying	30 31 32

out functions relating to conducting elections	1
generally, including, for example—	2
(a) the remuneration, allowances and	3
reasonable expenses paid to members or	4
staff of the electoral commission; and	5
(b) the costs of making appropriate	6
administrative arrangements for the conduct	7
of elections.	8

Part 7	Amendment of Queen’s Wharf	9
	Brisbane Act 2016	10

Clause 115	Act amended	11
	This part amends the <i>Queen’s Wharf Brisbane Act 2016</i> .	12

Clause 116	Amendment of s 42 (Interpretation for part)	13
(1)	Section 42(1), definition <i>Queen’s Wharf deed</i> , after ‘section	14
	44(4)’—	15
	<i>insert—</i>	16
	or 57D(7)	17
(2)	Section 42(1), definition <i>Queen’s Wharf tenure</i> , after ‘deed’—	18
	<i>insert—</i>	19
	issued under section 44(4)	20

Clause 117	Insertion of new ch 5, pt 1, div 4	21
	Chapter 5, part 1—	22
	<i>insert—</i>	23
	Division 4	24
	Conversion of State	25
	tenures to State freehold	25

[s 117]

57A Definitions for division	1
In this division—	2
<i>Brisbane Casino lease land</i> means the following land subject to a term lease to The Star Entertainment Qld Limited ACN 010 741 045, in effect immediately before the commencement—	3 4 5 6
(a) Lot 10 on B31753;	7
(b) Lots 492 and 682 on CP855445;	8
(c) Lot 300 on CP866930;	9
(d) Lot 301 on CP866931;	10
(e) Lot 11 on CP866932;	11
(f) Lot 303 on CP866933;	12
(g) Lot 304 on CP866934.	13
<i>Queen's Park reserve land</i> means Lot 10 on CP866932.	14 15
<i>Queen's Wharf precinct lease land</i> means the following land—	16 17
(a) Lots 707 and 223 on SP289469;	18
(b) Lot 706 on SP289470;	19
(c) Lot 414 on SP312028;	20
(d) Lot 228 on SP322273;	21
(e) Lot 234 on SP338045.	22
57B Application of Land Act to division	23
(1) This division applies despite—	24
(a) any limitation or requirement under the Land Act, section 16 or 122; or	25 26
(b) any requirement that would otherwise apply, or right that would exist, under the	27 28

Land Act in relation to revoking a reserve or ending a lease.	1 2
(2) However, this division does not affect the operation of the Land Act, section 21.	3 4
57C Land to be converted	5
This division applies in relation to the following land—	6 7
(a) Brisbane Casino lease land;	8
(b) Queen's Park reserve land;	9
(c) Queen's Wharf precinct lease land.	10
57D Converting to State freehold	11
(1) The Governor in Council must, under the Land Act, grant the land in fee simple to the State.	12 13
(2) The land is taken to be unallocated State land for giving effect to subsection (1).	14 15
(3) The grant in fee simple for each part of the land takes effect on registration of the deed of grant for that land in the freehold land register.	16 17 18
(4) On registration—	19
(a) for Brisbane Casino lease land—	20
(i) the reservation and setting apart of the Treasury Building reserve is revoked; and	21 22 23
(ii) the reserve over the land ends; and	24
(iii) all appointments of trustees for the reserve are cancelled; and	25 26
(b) for Queen's Park reserve land—	27
(i) the reservation and setting apart of the Queen's Park reserve is revoked; and	28 29

[s 117]

- (ii) the reserve over the land ends; and 1
 - (iii) all appointments of trustees for the 2
reserve are cancelled; and 3
- (c) for Queen's Wharf precinct lease land—the 4
Queen's Wharf headlease ends over that part 5
of the land. 6
- (5) Any other interests in any part of the land, in 7
effect immediately before registration of the deed 8
of grant, continue in effect, including— 9
 - (a) the term lease over the Brisbane Casino 10
lease land; and 11
 - (b) an entry in the Queensland heritage register 12
that the land is a State heritage place under 13
the *Queensland Heritage Act 1992*. 14
- (6) If an interest mentioned in subsection (5) was 15
registered immediately before registration of the 16
deed of grant for the land, the deed must be 17
registered subject to the interest, with any 18
necessary modifications required to give effect to 19
this section. 20
- (7) A deed of grant issued by the Governor in Council 21
in applying this section is also a *Queen's Wharf* 22
deed. 23
- (8) In this section— 24
 - Queen's Park reserve* means the reserve over Lot 25
10 on CP866932, known as Queen's Park or 26
Queen's Gardens, in effect immediately before 27
the commencement. 28
 - Treasury Building reserve* means the reserve 29
over Lot 492 on CP855445, known as the 30
Treasury Building, in effect immediately before 31
the commencement. 32

Clause 118	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definition <i>Queen’s Wharf deed</i> —	2
	<i>omit.</i>	3
(2)	Schedule 2—	4
	<i>insert—</i>	5
	<i>Brisbane Casino lease land</i> , for chapter 5, part 1, division 4, see section 57A.	6 7
	<i>Queen’s Park reserve land</i> , for chapter 5, part 1, division 4, see section 57A.	8 9
	<i>Queen’s Wharf deed</i> see section 44(4) or 57D(7).	10
	<i>Queen’s Wharf precinct lease land</i> , for chapter 5, part 1, division 4, see section 57A.	11 12

Part 8 **Other amendments** 13

Clause 119	Legislation amended	14
	Schedule 1 amends the legislation it mentions.	15

Schedule 1	Other amendments	1
	section 119	2
	Acquisition of Land Act 1967	3
1	Schedule 1, part 2, fourth dot point, ‘Moreton Bay Regional Council’—	4
	<i>omit, insert—</i>	5
	Moreton Bay City Council	6
		7
	Animal Management (Cats and Dogs) Act 2008	8
1	Schedule 2, definition <i>designated local government</i>, paragraph (d), fifth dot point, ‘Moreton Bay Regional Council’—	9
	<i>omit, insert—</i>	10
	Moreton Bay City Council	11
		12
		13
	City of Brisbane Act 2010	14
1	Section 173(3), note, ‘150L(1)(c)(v)’—	15
	<i>omit, insert—</i>	16
	150L(1)(c)(iv)	17

2	Section 177H(1), note, ‘150L(1)(c)(v)’—	1
	<i>omit, insert—</i>	2
	150L(1)(c)(iv)	3
3	Section 177I(3), note, ‘150L(1)(c)(v)’—	4
	<i>omit, insert—</i>	5
	150L(1)(c)(iv)	6
4	Section 177W(2), note, ‘150L(1)(c)(v)’—	7
	<i>omit, insert—</i>	8
	150L(1)(c)(iv)	9
5	Section 186E(1), after ‘as a councillor’—	10
	<i>insert—</i>	11
	under this division	12
6	Section 198A(2), note, ‘150L(1)(c)(v)’—	13
	<i>omit, insert—</i>	14
	150L(1)(c)(iv)	15
7	Section 198B(2), note, ‘150L(1)(c)(v)’—	16
	<i>omit, insert—</i>	17
	150L(1)(c)(iv)	18
8	Section 198C, note, ‘150L(1)(c)(v)’—	19
	<i>omit, insert—</i>	20
	150L(1)(c)(iv)	21

Environmental Protection Act 1994		1
1	Section 440ZO, definition <i>low volatility zone</i>, sixth dot point, ‘Moreton Bay Regional Council’—	2 3
	<i>omit, insert—</i>	4
	Moreton Bay City Council	5
 First Home Owner Grant and Other Home Owner Grants Act 2000		 6 7
1	Section 25BA(4), definition <i>SEQ region</i>, sixth dot point, ‘Moreton Bay Regional Council’—	8 9
	<i>omit, insert—</i>	10
	Moreton Bay City Council	11
 Local Government Act 2009		 12
1	References to inappropriate conduct—	13
	In the following table, each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—	14 15 16
Column 1 Provision	Column 2 Words omitted	Column 3 Words inserted
chapter 5A, part 3, inappropriate conduct heading	inappropriate conduct	conduct breaches
section 150R(1)	inappropriate conduct	a conduct breach
section 150S(1)(a)	inappropriate conduct	conduct breaches

Column 1 Provision	Column 2 Words omitted	Column 3 Words inserted	
section 150X(a)(ii)	inappropriate conduct	a conduct breach	
section 150AB(a)	inappropriate conduct	a conduct breach	
section 150AG, heading	inappropriate conduct	conduct breach	
section 150AG(1)(a) and (b)	inappropriate conduct	a conduct breach	
section 150AG(2)(a)	inappropriate conduct	conduct breach	
chapter 5A, part 3, division 6, heading	inappropriate conduct	conduct breach	
section 150AI(b)	inappropriate conduct	a conduct breach	
section 150AJ(1)(b)	inappropriate conduct	a conduct breach	
section 150AJ(2)(b)	inappropriate conduct	conduct breach	
section 150AJ(2)(c)(ii)	inappropriate conduct	a conduct breach	
section 150AJ(3)	inappropriate conduct	conduct breach	
section 150AQ, heading	inappropriate conduct	conduct breach	
section 150AQ(1)(b)	inappropriate conduct	a conduct breach	
2	Section 124(7), ‘an officer of the public service’—		1
	<i>omit, insert—</i>		2
	a public service officer		3
3	Section 150R(2), note, ‘150L(1)(c)(iv)’—		4
	<i>omit, insert—</i>		5
	150L(1)(c)(iii)		6

Schedule 1

4	Section 150R(4)—	1
	<i>omit.</i>	2
5	Section 150V(1), ‘or 150U’—	3
	<i>omit.</i>	4
6	Section 150X(b)(ii), examples, ‘, recklessly’—	5
	<i>omit.</i>	6
7	Section 150AB(b), ‘150W(1)(b)’—	7
	<i>omit, insert—</i>	8
	150SD(4)(a) or 150W(b)	9
8	Section 150AN(2)(b), from ‘alleged’—	10
	<i>omit, insert—</i>	11
	an alleged conduct breach—the conduct breach.	12
9	Section 150AQ(1)(a)(i), from ‘and inappropriate’—	13
	<i>omit, insert—</i>	14
	and an alleged conduct breach—misconduct or a conduct breach (or both); or	15 16
10	Section 150AQ(2)(b), from ‘to inappropriate’—	17
	<i>omit, insert—</i>	18
	to a conduct breach—any previous conduct breach of the councillor; and	19 20
11	Section 150AV(1)(a)(ii), examples, ‘, recklessly’—	21
	<i>omit.</i>	22

12	Section 150CW(2)(c), ‘an officer of the public service’—	1
	<i>omit, insert—</i>	2
	a public service officer	3
13	Section 150EK(1), note, ‘150L(1)(c)(iv)’—	4
	<i>omit, insert—</i>	5
	150L(1)(c)(iii)	6
14	Section 150EL(3), note, ‘150L(1)(c)(iv)’—	7
	<i>omit, insert—</i>	8
	150L(1)(c)(iii)	9
15	Section 150EQ(3), note, ‘150L(1)(c)(iv)’—	10
	<i>omit, insert—</i>	11
	150L(1)(c)(iii)	12
16	Section 150EW(3), note, ‘150L(1)(c)(iv)’—	13
	<i>omit, insert—</i>	14
	150L(1)(c)(iii)	15
17	Section 150EZ(2), note, ‘150L(1)(c)(iv)’—	16
	<i>omit, insert—</i>	17
	150L(1)(c)(iii)	18
18	Section 171(3), note, ‘150L(1)(c)(iv)’—	19
	<i>omit, insert—</i>	20
	150L(1)(c)(iii)	21
19	Section 175N(1), after ‘as a councillor’—	22
	<i>insert—</i>	23

Schedule 1

	under this division	1
20	Section 201A(2), note, ‘150L(1)(c)(iv)’—	2
	<i>omit, insert—</i>	3
	150L(1)(c)(iii)	4
21	Section 201B(2), note, ‘150L(1)(c)(iv)’—	5
	<i>omit, insert—</i>	6
	150L(1)(c)(iii)	7
22	Section 201C, note, ‘150L(1)(c)(iv)’—	8
	<i>omit, insert—</i>	9
	150L(1)(c)(iii)	10
23	Section 206(2), ‘An officer of the public service’—	11
	<i>omit, insert—</i>	12
	A public service officer	13
	South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	14
		15
1	Section 5(1)(a), ‘Moreton Bay Regional Council’—	16
	<i>omit, insert—</i>	17
	Moreton Bay City Council	18

Transport Infrastructure Act 1994 1

- 1 **Section 283P(1)(b), ‘Moreton Bay Regional Council’—** 2
omit, insert— 3
Moreton Bay City Council 4

Water Act 2000 5

- 1 **Section 341(1)(a), sixth dot point, ‘Moreton Bay Regional** 6
Council’— 7
omit, insert— 8
Moreton Bay City Council 9

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