
Local Government Bill 2009

Amendments agreed to during Consideration

1 **Clause 2 (Commencement)—**

At page 18, lines 6 to 8—

omit, insert—

- ‘(1) Amendments 20 and 21 of the *Local Government Act 1993* in schedule 1 commence on assent.
- ‘(2) The following provisions commence immediately before the repeal of the *Local Government Act 1993* under section 287—
 - (a) section 283A;
 - (b) the remaining amendments of the *Local Government Act 1993* in schedule 1;
 - (c) schedule 1A.
- ‘(3) Chapter 9, part 1 commences on 1 July 2009.
- ‘(4) The remaining provisions of the Act commence on a day to be fixed by proclamation.’.

2 **Clause 12 (Responsibilities of councillors)—**

At page 23, line 30—

omit, insert—

- ‘government’s performance;
- (e) complying with the Queensland Contact with Lobbyists Code.’.

3 **Clause 13 (Responsibilities of local government employees)—**

At page 25, line 30, after ‘*Ethics Act 1994*’—

insert—

‘(including the Queensland Contact with Lobbyists Code, for example)’.

4 Clause 17 (What this part is about)—

At page 28, line 18—

omit, insert—

- ‘(d) the name of a local government area; or
- (e) the classification of a local government area (from a town to a city, for example).’.

5 Clause 95 (Overdue rates are a charge over land)—

At page 91, line 18, after ‘Overdue rates’—

insert—

‘and charges’.

6 Clause 95 (Overdue rates are a charge over land)—

At page 91, lines 20, 21 and 28, and page 92, lines 6, 11 and 13, after ‘overdue rates’—

insert—

‘and charges’.

7 Clause 96 (Regulations for rates and charges)—

At page 92, lines 20 and 21, after ‘rates’—

insert—

‘and charges’.

8 Clause 105 (Auditing, including internal auditing)—

At page 99, line 8—

omit, insert—

‘*Financial Accountability Act 2009*.’.

9 Clause 217 (LG super scheme)—

At page 185, after line 11—

insert—

- ‘(3) In particular, the trust deed must provide for—
- (a) the yearly contribution that a local government must make for a permanent employee, based on the advice of an actuary; and
 - (b) the terms and conditions on which the super board must obtain advice from an actuary in relation to the funds that the super board administers.
- ‘(4) An *actuary* is an accredited member, or a fellow, of the Institute of Actuaries of Australia.’.

10 Clause 220 (Amount of compulsory contributions)—

At page 188, lines 1 to 34, and page 189, lines 1 to 14—

omit, insert—

‘220 Amount of compulsory contributions

- ‘(1) The yearly contribution that a local government must make for a permanent employee is the amount stated, from time to time, in the trust deed.
- ‘(2) The yearly contribution is taken to include any contributions that are required to be made under an industrial instrument.
- ‘(3) The local government need not pay an amount as a contribution to the extent that the amount can not be accepted by a regulated superannuation fund under the Commonwealth Super Act.
- Editor’s note—*
- See the *Superannuation Industry (Supervision) Regulations 1994* (Cwlth), regulation 7.04.
- ‘(4) The local government must pay the yearly contribution within the time stated in the trust deed.
- ‘(5) The permanent employee must also make a yearly contribution calculated at the following rate—

- (a) if the employee is a special permanent employee—5% of the employee’s salary under the trust deed;
 - (b) if the employee is a standard permanent employee—6% of the employee’s salary under the trust deed.
- ‘(6) A *special permanent employee* is a permanent employee who, immediately before 1 July 1995, was required to make superannuation contributions under the repealed *Local Government Superannuation Act 1985* at the rate of 5% of the employee’s salary under the trust deed.
- ‘(7) A *standard permanent employee* is a permanent employee who—
- (a) immediately before 1 July 1995, was required to make superannuation contributions under the repealed *Local Government Superannuation Act 1985* at the rate of 6% of the employee’s salary under the trust deed; or
 - (b) immediately before the repeal of the *Local Government (Community Government Areas) Act 2004*, was a permanent employee of a community government under that Act; or
 - (c) started employment on or after 1 July 1995.
- ‘(8) A permanent employee need not make the yearly contribution under subsection (5) if the local government makes the contribution, in accordance with the employee’s remuneration agreement, as well as the yearly contribution that the local government is required to make under this Act.’

11 Clause 231 (Members of grants commission)—

At page 194, lines 16 and 17—

omit, insert—

- ‘(b) at least 1 member has knowledge of local government in relation to local government areas of indigenous regional councils and other indigenous local governments; and
- (c) the other members have knowledge of local government.’

12 After clause 283 (Continuation of instruments to implement reform)—

At page 217, after line 17—

insert—

‘283A Continuation of electoral and related provisions

- ‘(1) Schedule 1A contains provisions of the 1993 Act about local government elections.
- ‘(2) The *Local Government (Community Forums) Regulation 2008* continues in force.
- ‘(3) This section and schedule 1A expire on 31 December 2010.’.

13 After clause 307 (Amendment of s 112 (Additional entry powers for particular dogs))—

At page 226, after line 5—

insert—

‘307A Amendment of s 130 (Return of dog if not regulated dog)

- ‘(1) Section 130, heading, ‘dog if not regulated’—
omit, insert—
‘particular’.
- ‘(2) Section 130(1)(a), from ‘person’ to ‘; and’—
omit, insert—
‘person—
 - (i) reasonably suspected it was a regulated dog; or
 - (ii) considers a proposed declaration notice should be given for the dog; and’.
- ‘(3) Section 130(1)(b), ‘regulated dog’—
omit, insert—
‘dog mentioned in paragraph (a)’.’.

14 Clause 308 (Amendment of s 131 (Return of regulated dog to registered owner))—

At page 226, lines 8 to 10—

omit, insert—

‘(1) Section 131, heading, ‘regulated’—

omit, insert—

‘particular’.

‘(2) Section 131(1), after ‘regulated dog’—

insert—

‘, or a dog for which a proposed declaration notice is being made.’.

‘(3) Section 131(2)(d), from ‘if—’ to ‘applying for the dog.’—

omit, insert—

‘if the dog is a regulated dog—the authorised person is reasonably satisfied the owner of or a responsible person for the dog has not complied with a permit condition for the dog.’.

‘(4) Section 131(2)—

insert—

‘(e) if the dog is a dog for which a proposed declaration notice is being made—a regulated dog declaration for the dog has not yet been made.’.

‘(5) Section 131(3)(c), ‘subsection (2)(d)(ii)’—

omit, insert—

‘subsection (2)(d)’.

‘(6) Section 131(3)—

insert—

‘(d) if subsection (2)(e) applies—the regulated dog declaration for the dog has been made.’.

15 Clause 318 (Replacement of ss 195 and 196)—

(1) At page 229, lines 24 and 25, ‘complainant’—

omit, insert—

‘defendant’.

(2) At page 229, line 26, ‘complainant’s’—

omit, insert—

‘defendant’s’.

16 After clause 325 (Insertion of new ss 217A and 217B)—

At page 233, after line 14—

insert—

‘325A Insertion of new s 221A

Chapter 10—

insert—

‘221A References to address of place stated in registration notice for cat or dog

‘(1) This section applies to a local government, other than a designated local government, until the deferred date.

‘(2) A reference in this Act to the address of the place stated in the registration notice for a cat or dog is taken to be a reference to the place where the cat or dog is usually kept or proposed to kept.’.

17 Clause 327 (Amendment of sch 2 (Dictionary))—

At page 235, after line 19—

insert—

‘(3A) Schedule 2, definition *authorised implanter*, after ‘regulation’—

insert—

‘or approved by the chief executive’.

18 Schedule 1 (Acts amended)—

At page 242, after line 17—

insert—

‘1A Section 109B(2)(c)—

omit, insert—

‘(c) if the council fixes a cost-recovery fee for the financial year—the criteria used to decide the amount of all cost-recovery fees fixed for the year.’.’

19 Schedule 1 (Acts amended)—

At page 243, line 12, ‘regulatory’—

omit, insert—

‘cost-recovery’.

20 Schedule 1 (Acts amended)—

At page 247, lines 18 to 20—

omit.

21 Schedule 1 (Acts amended)—

At page 257, after line 14—

insert—

‘Local Government Act 1993

‘1 Section 5—

relocate to the *Local Government Act 2009*, and in that Act *insert* in schedule 1A as section 5.

‘2 Section 7(1)(a)—

omit.

‘3 Section 7—

relocate to the *Local Government Act 2009*, and in that Act *insert* in schedule 1A as section 7.

‘4 Section 298(1), ‘chapter 4, part 1, division 2’—

omit, insert—

‘sections 152 to 156 of the Act’.

‘5 Section 353(1)—

omit, insert—

‘(1) This section applies if, under section 326, separate ballot papers are used in polls for elections of the mayor and another councillor conducted on the same day.’.

‘6 Section 408(1), ‘section 164(1)’—

omit, insert—

‘section 123 of the Act’.

‘7 Section 408(2), ‘reviewable local government matter under chapter 3, part 1’—

omit, insert—

‘local government change under chapter 2, part 3 of the Act’.

‘8 Section 408(3)—

omit.

‘9 Section 427(3)(a), ‘under section 242(1)(a)’—

omit, insert—

‘, in the approved form, to the chief executive officer before making the declaration of office under section 169 of the Act.’.

‘10 Section 427A(3)(a), ‘under section 242(1)(a)’—

omit, insert—

‘, in the approved form, to the chief executive officer before making the declaration of office under section 169 of the Act.’.

‘11 Section 429(3)(b), ‘section 222’—

omit, insert—

‘section 153 of the Act’.

‘12 Section 433(2)(a), ‘or section 242’—

omit.

‘13 Section 436(3), ‘or section 242’—

omit.

‘14 Section 440(2), ‘section 222’—

omit, insert—

‘section 153 of the Act’.

‘15 Section 441D(5)—

omit.

‘16 Chapter 5, parts 1 to 4 (sections 266 to 283)—

relocate to the *Local Government Act 2009*, and in that Act *insert* in schedule 1A as chapter 5, parts 1 to 4 (sections 266 to 283).

‘17 Chapter 5, parts 6 to 9 (sections 289 to 441F)—

relocate to the *Local Government Act 2009*, and in that Act *insert* in schedule 1A as chapter 5, parts 6 to 9 (sections 289 to 441F).

‘18 Section 1077A(2)—

omit, insert—

‘(2) Section 242 of the Act does not apply to this section.’.

‘19 Section 1077A—

relocate to the *Local Government Act 2009*, and in that Act *insert* in schedule 1A as section 1077A.

‘20 Section 1180—

insert—

‘(4) Without limiting subsection (2), the trust deed must provide for—

- (a) the yearly contribution that a local government must make for a permanent employee, based on the advice of an actuary; and
- (b) the terms and conditions on which the super board must obtain advice from an actuary in relation to the funds that the super board administers.

‘(5) An *actuary* is an accredited member, or a fellow, of the Institute of Actuaries of Australia.’.

‘21 Section 1182(2)—

omit, insert—

‘(2) The yearly contribution that the local government must make is the amount stated, from time to time, in the trust deed.’.

‘22 Schedule 2, definition *area*—

omit, insert—

‘*area* means a local government area.’.

‘23 Schedule 2, definition *code of conduct*—

omit, insert—

‘*code of conduct* see section 441B.’.

‘24 Schedule 2, definition *returning officer*—

omit, insert—

‘*returning officer* means—

- (a) the chief executive officer; or
- (b) a person appointed under a regulation as a returning officer.’.

‘25 Schedule 2, definitions *area, code of conduct, commissioner, conclusion, continuing candidate, cut off day, declaration envelope, declaration form, declaration vote, declaration voter, distribute, division, elect, election, election matter, election period, elector, electoral commission, electoral officer, electoral paper, electoral roll, exhausted ballot paper, fresh election, how-to-vote card, infringement notice, infringement notice offence, institution, issuing officer, mobile polling booth, nomination day, open to inspection, ordinary polling booth, ordinary voting hours, place, political party, polling booth, polling day, postal ballot election, returning officer, voters roll and voting hours*—

relocate to the *Local Government Act 2009*, and in that Act *insert* in schedule 1A, section 1, after ‘In this schedule—’.’.

22 Schedule 1 (Acts amended)—

At page 258, line 20, after ‘overdue rates’—

insert—

‘and charges’.

23 After schedule 1—

At page 274, after line 14—

insert—

‘Schedule 1A Local government elections

section 283A

‘1 Definitions

‘In this schedule—’.

24 Schedule 3 (Dictionary)—

At page 278, after line 15—

insert—

‘*charges* includes any interest accrued, or premium owing, on the charges.’.

25 Schedule 3 (Dictionary)—

At page 285, lines 5 to 7—

omit, insert—

‘*Local Government Electoral Act* means the provisions of the 1993 Act relating to local government elections that continue in force under section 283A.’.

26 Schedule 3 (Dictionary)—

At page 289, after line 21—

insert—

‘Queensland Contact with Lobbyists Code means the Queensland Contact with Lobbyists Code made under the *Public Sector Ethics Act 1994*.’.

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