



Queensland

Local Government Act 2009

Local Government (De-amalgamation Implementation) Regulation 2013

Current as at 6 December 2013

Warning—Some provisions of this legislation are not in operation. These provisions are italicised. For details, see the List of legislation.

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/Leg_Info/information.htm.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

Local Government (De-amalgamation Implementation) Regulation 2013

Contents

		Page
Part 1	Preliminary	
Division 1	Introduction	
1	Short title	5
2	Commencement	5
Division 2	Purpose	
3	Purpose of regulation—Act, s 260F	5
4	Achievement of purpose	6
Division 3	Interpretation	
5	Key definitions	7
6	Definitions	8
Part 2	Elections for new local governments	
7	Application of pt 2	8
8	Conduct of elections	8
9	Notice for elections	9
10	Term of office	9
11	Remuneration of councillors	10
Part 3	Transfer mechanism	
Division 1	Transfer manager	
12	Appointment	10
13	Term	11
14	Remuneration	11
15	Functions	11
16	Powers	11
17	Protection	11
18	Acting chief executive officer of new local government	12

Contents

Division 2	Transfer methodology	
19	Definition for div 2.	12
20	Purpose of transfer methodology	12
21	When transfer methodology takes effect	13
22	Notification of transfer methodology.	14
23	Complying with transfer methodology	14
24	Role of transfer committee	14
Division 3	Transfer committee	
25	Definition for div 3.	14
26	Establishment.	14
27	Functions	15
28	Conduct of meetings	15
29	Term of committee	16
30	Adjudication by Minister	16
Division 4	Local advisory committee	
31	Establishment.	16
32	Function	16
33	Meetings with transfer manager	17
34	Protection	17
Division 5	De-amalgamation costs	
35	What are de-amalgamation costs.	17
36	Recovery of de-amalgamation costs	18
37	Transfer of QTC working capital facility	18
Part 4	Financial matters	
38	Assets transfer	19
39	Liabilities transfer	19
40	Levying rates and charges	19
41	Recovery of unpaid rates and charges.	20
42	Fees	20
43	Recovery of unpaid fees.	20
44	Register for dealings in assets	21
Part 5	Local laws and other instruments	
45	Local laws for new local government	21
46	Planning instruments for new local government.	22
47	Existing instruments continue in force	23
48	Pending legal proceedings	24

49	Administrative processes	24
50	References in documents	24
51	Effect of local laws and other instruments of continuing local government	25
Part 5A	Disaster management matters	
51A	Action by transfer manager	25
51B	Appointment of local disaster coordinator	26
51C	Effect of action under this part	27
Part 6	Continuing local governments	
Division 1	Councillors	
52	Ending of term of councillors	27
53	Continuation of term of councillors	27
Division 2	Employees	
54	New organisational structure	28
55	Allocation of positions	28
56	Entitlements of transferred employees	29
Division 3	Duties and responsibilities	
57	Major contracts	30
58	Duty to facilitate de-amalgamation	30
59	Responsibility for local government area	31
Part 7	Amendment of Local Government Regulation 2012	
60	Regulation amended in pt 7	31
61	Amendment of sch 1 (Prescribed information about local governments)	31
Schedule	Dictionary	33
 Endnotes		
1	Index to endnotes	34
2	Date to which amendments incorporated	34
3	Key	35
4	Table of reprints	35
5	List of legislation	36
6	List of annotations	36

Local Government (De-amalgamation Implementation) Regulation 2013

[as amended by all amendments that commenced on or before 6 December 2013]

Part 1 Preliminary

Division 1 Introduction

1 Short title

This regulation may be cited as the *Local Government (De-amalgamation Implementation) Regulation 2013*.

2 Commencement

Part 7 commences on the changeover day.

Division 2 Purpose

3 Purpose of regulation—Act, s 260F

The purpose of this regulation is to implement the de-amalgamation of the following local government areas—

- (a) Cairns;
- (b) Rockhampton;
- (c) Sunshine Coast;
- (d) Tablelands.

[s 4]

4 Achievement of purpose

The purpose is achieved by—

- (a) continuing the following local government areas with different boundaries—
 - (i) Cairns;
 - (ii) Rockhampton;
 - (iii) Sunshine Coast;
 - (iv) Tablelands; and
- (b) establishing the following new local government areas—
 - (i) Douglas;
 - (ii) Livingstone;
 - (iii) Noosa;
 - (iv) Mareeba; and
- (c) providing for elections for the new local governments; and
- (d) providing for a transfer mechanism, including a transfer manager, transfer methodology and transfer committee, to transfer employees, assets, liabilities and documents from the continuing local governments to the related new local governments; and
- (e) providing for financial matters relating to the de-amalgamation of the continuing local governments; and
- (f) providing for matters relating to local laws and other instruments of the continuing local governments and new local governments; and
- (g) providing for matters relating to the continuing local governments.

Division 3 Interpretation

5 Key definitions

(1) In this regulation—

changeover day means 1 January 2014.

continuing local government means—

- (a) Cairns Regional Council; or
- (b) Rockhampton Regional Council; or
- (c) Sunshine Coast Regional Council; or
- (d) Tablelands Regional Council.

new local government means each of the following local governments that comes into existence on the changeover day—

- (a) Douglas Shire Council;
- (b) Livingstone Shire Council;
- (c) Noosa Shire Council;
- (d) Mareeba Shire Council.

new local government area, for a new local government, means the local government area for the new local government that comes into existence on the changeover day.

(2) A continuing local government is *related* to a new local government, and vice versa, if the new local government area for the new local government is, before changeover day, part of the local government area of the continuing local government.

Notes—

- 1 Cairns Regional Council is related to Douglas Shire Council.
- 2 Rockhampton Regional Council is related to Livingstone Shire Council.
- 3 Sunshine Coast Regional Council is related to Noosa Shire Council.
- 4 Tablelands Regional Council is related to Mareeba Shire Council.

[s 6]

6 Definitions

The dictionary in the schedule defines particular words used in this regulation.

Part 2 Elections for new local governments

7 Application of pt 2

This part applies to the conduct of elections (*new local government elections*) for—

- (a) the election of the mayor of each new local government; and
- (b) the election of the councillors of each new local government.

8 Conduct of elections

- (1) Except to the extent this section or section 9 provides otherwise, the new local government elections must be conducted under the Local Government Electoral Act as if they were quadrennial elections for a local government.
- (2) The elections must be conducted as if the new local governments and the new local government areas come into existence on the commencement of this section.
- (3) For the purposes of conducting the elections—
 - (a) the Minister may, by gazette notice, fix a day for the elections for a new local government; and
 - (b) the cut-off day for compiling a voters roll for the elections for a new local government is—
 - (i) at least 5 days, but not more than 7 days, after the publication in a newspaper, under section 9, of notice of the day of the elections; or

- (ii) a later day fixed by the Minister by gazette notice.
- (4) Without limiting subsection (1)—
- (a) a function or power conferred, or obligation imposed, on a person under the Local Government Electoral Act in relation to a quadrennial election for a local government is conferred or imposed on the person in relation to the new local government elections; and
 - (b) the Court of Disputed Returns may, under the Local Government Electoral Act, hear and decide an application to dispute the election of a person at a new local government election; and
 - (c) the Court of Appeal may, under the Local Government Electoral Act, hear and decide an appeal against a decision of the court mentioned in paragraph (b).

9 Notice for elections

As soon as practicable after the Minister fixes the day for the elections for a new local government, the returning officer must publish, in a newspaper circulating generally in the new local government area for the new local government and in the other ways that the returning officer may consider appropriate, notice of—

- (a) the day fixed; and
- (b) the cut-off day for the voters roll for the elections.

10 Term of office

The term of office of a person elected as the mayor or other councillor of a new local government—

- (a) starts on the changeover day; and
- (b) ends at the conclusion of the next quadrennial election for the new local government.

[s 11]

11 Remuneration of councillors

- (1) The tribunal must—
 - (a) for each new local government, decide the category of local government to which the new local government belongs; and
 - (b) for each category decided under paragraph (a), decide the remuneration payable to a councillor, mayor or deputy mayor of a new local government in the category.
- (2) The tribunal must decide the category, and the remuneration, before 1 September 2013.
- (3) To remove any doubt, it is declared that—
 - (a) the tribunal must include the new local governments in its review of the categories of local governments under the *Local Government Regulation 2012*, section 243(3) to (5); and
 - (b) for the *Local Government Regulation 2012*, section 243(4), definition *local government term*, an election for a new local government is taken to be a quadrennial election.

Part 3 Transfer mechanism

Division 1 Transfer manager

12 Appointment

- (1) The Minister must appoint, for each new local government, a qualified person to be the manager (the *transfer manager*) for the new local government.
- (2) A person is qualified to be a transfer manager for a new local government if the person has the ability, experience,

knowledge and skills that the Minister considers appropriate, having regard to the functions of a transfer manager.

13 Term

A transfer manager must be appointed for a term that ends immediately before the changeover day.

14 Remuneration

A transfer manager is entitled to be paid the fees and allowances decided by the Minister.

15 Functions

A transfer manager for a new local government has all the functions necessary or convenient to facilitate the establishment of the new local government.

16 Powers

- (1) A transfer manager for a new local government has power to do all things necessary or convenient to be done for or in connection with the performance of the transfer manager's functions under section 15.
- (2) To remove any doubt, it is declared that the transfer manager has power to enter into contracts that will bind the new local government.
- (3) However, before entering a contract mentioned in subsection (2), the transfer manager must obtain the approval of the department's chief executive.

17 Protection

- (1) A transfer manager is not civilly liable for an act done, or omission made, honestly and without negligence under this regulation.

[s 18]

- (2) If subsection (1) prevents a civil liability attaching to a person, the liability attaches instead to the State.

18 Acting chief executive officer of new local government

- (1) On the changeover day, the transfer manager for a new local government—
- (a) becomes the acting chief executive officer of the new local government; and
 - (b) in addition to the person's functions as the acting chief executive officer of the new local government, retains all the functions and powers the person had as the transfer manager for the new local government; and
 - (c) becomes an employee of the new local government on the same terms and conditions, so far as practicable, as the person was employed as the transfer manager.
- (2) Unless the person's employment as acting chief executive officer is otherwise ended, the person holds the appointment as acting chief executive officer until the new local government appoints a chief executive officer.

Division 2 Transfer methodology

19 Definition for div 2

In this division—

responsible entity means an entity having responsibilities under a transfer methodology.

20 Purpose of transfer methodology

- (1) The department's chief executive must make a methodology (a *transfer methodology*) directed at ensuring the proper transfer of employees, assets, liabilities and documents from a continuing local government to the related new local government.

-
- (2) Without limiting subsection (1), the transfer methodology may—
- (a) provide for the development of an action plan for the proper transfer of employees, assets, liabilities and documents from the continuing local government to the new local government; and
 - (b) provide for the achievement of particular milestones in the proper transfer of employees, assets, liabilities and documents from the continuing local government to the new local government; and
 - (c) require the continuing local government to make available its employees, by secondment or otherwise, for the purpose of providing assistance to the transfer manager for the new local government; and
 - (d) identify the costs associated with the de-amalgamation of the continuing local government that are to be payable by the new local government; and
 - (e) provide for responsible entities to report to the Minister about their compliance with the methodology.
- (3) To remove any doubt, it is declared that the department's chief executive may amend or repeal a transfer methodology, whether before or after the changeover day.

21 When transfer methodology takes effect

- (1) The department's chief executive must notify the making of a transfer methodology by publishing the methodology on the department's website.
- (2) The transfer methodology takes effect—
- (a) on the day the methodology is published on the department's website; or
 - (b) if a later day is stated in the transfer methodology—on the later day.

[s 22]

22 Notification of transfer methodology

The department's chief executive must, as soon as practicable after a transfer methodology or an amendment of a transfer methodology takes effect, advise all responsible entities of the taking effect of the transfer methodology or the amendment of the methodology.

23 Complying with transfer methodology

Each responsible entity must take all reasonable steps to comply with the transfer methodology.

24 Role of transfer committee

The transfer committee must make decisions as provided for under the transfer methodology.

Division 3 Transfer committee

25 Definition for div 3

In this division—

transfer manager, for a new local government, means—

- (a) for the period before the changeover day—the transfer manager for the new local government; or
- (b) for the period from the changeover day—the acting chief executive officer, or the chief executive officer, of the new local government.

26 Establishment

- (1) To facilitate the de-amalgamation of a continuing local government, a committee (a *transfer committee*) for the related new local government is established.
- (2) The transfer committee consists of—

- (a) the chief executive officer of the continuing local government; and
- (b) the transfer manager for the new local government.

27 Functions

The transfer committee's functions are—

- (a) to decide the assets and liabilities that are to be transferred to the new local government; and
- (b) to settle joint agreements between the continuing local government and the new local government for matters to be decided because of the transfer, including, for example, the following—
 - (i) capital works costs;
 - (ii) maintenance of boundary roads;
 - (iii) use of library and community facilities;
 - (iv) catchment management;
 - (v) services, including, for example, road and park maintenance, waste and water services and sewerage; and
- (c) subject to section 35(1)(a), (b), (c), (d), (f) and (g), to decide the costs associated with the de-amalgamation that are to be payable by the new local government; and
- (d) to make decisions about other matters the transfer committee considers appropriate.

28 Conduct of meetings

- (1) The transfer committee may conduct its meetings in the way it considers appropriate.
- (2) Committee meetings are to be held at the times and places the committee decides.

[s 29]

29 Term of committee

The transfer committee ceases to exist on—

- (a) the day that is 6 months after the changeover day; or
- (b) if another day is notified in writing by the Minister to each member of the transfer committee—the other day.

30 Adjudication by Minister

- (1) This section applies if the transfer committee is unable to make a decision about a matter mentioned in section 27.
- (2) Either member of the committee may refer the matter to the Minister.
- (3) The Minister must, after considering the submissions of each member of the committee, make a decision about the matter.

Division 4 Local advisory committee

31 Establishment

- (1) To provide advice to the transfer manager for a new local government, a committee (a *local advisory committee*) for the new local government is established.
- (2) The committee consists of the persons appointed to the committee by the Minister.
- (3) The Minister may appoint any person the Minister considers appropriate.

32 Function

- (1) The function of a local advisory committee for a new local government is to give advice to the transfer manager for the new local government about any matter in relation to which the transfer manager requests the committee's advice.
- (2) The local advisory committee may give the advice orally or in writing.

33 Meetings with transfer manager

The local advisory committee for the new local government must meet with the transfer manager for the new local government at least once in each calendar month from the date of commencement of this section until the changeover day.

34 Protection

- (1) A member of a local advisory committee is not civilly liable for an act done, or omission made, honestly and without negligence under this regulation.
- (2) If subsection (1) prevents a civil liability attaching to a person, the liability attaches instead to the State.

Division 5 De-amalgamation costs

35 What are *de-amalgamation costs*

- (1) The *de-amalgamation costs* of a new local government are—
 - (a) the fees and allowances of the transfer manager under section 14; and
 - (b) any civil liability that attaches to the State under section 17(2); and
 - (c) the remuneration and other costs associated with the employees made available by the continuing local government to the transfer manager for the new local government under section 20(2)(c); and
 - (d) the costs identified in the transfer methodology under section 20(2)(d) to be payable by the new local government; and
 - (e) the costs decided by the transfer committee under section 27(c) to be payable by the new local government; and

[s 36]

- (f) the costs, if any, decided by the Minister under section 30 to be payable by the new local government; and
 - (g) any civil liability that attaches to the State under section 34(2).
- (2) To remove any doubt, it is declared that de-amalgamation costs may be incurred on any date, whether before or after the changeover day.

36 Recovery of de-amalgamation costs

- (1) The de-amalgamation costs of a new local government are a debt payable by the new local government.
- (2) The debt may be satisfied by the related continuing local government deducting the amount of the debt from the cash assets to be transferred from the related continuing local government to the new local government on the changeover day.
- (3) The de-amalgamation costs may be recovered from the new local government by action in a court of competent jurisdiction.

37 Transfer of QTC working capital facility

- (1) This section applies if a QTC working capital facility has been established for the sole purpose of facilitating the de-amalgamation of a continuing local government.
- (2) The facility must be transferred from the continuing local government to the related new local government on changeover day.
- (3) The new local government must discharge the facility by 31 December 2014.
- (4) In this section—

QTC working capital facility means a working capital facility held with Queensland Treasury Corporation.

Part 4 Financial matters

38 Assets transfer

- (1) The transfer committee for a new local government must decide the assets that are to transfer from the related continuing local government to the new local government.
- (2) On the changeover day, each asset to be transferred to the new local government is transferred to, and becomes the asset of, the new local government.

39 Liabilities transfer

- (1) The transfer committee for a new local government must decide the liabilities that are to transfer from the related continuing local government to the new local government.
- (2) On the changeover day, each liability to be transferred to the new local government is transferred to, and becomes the liability of, the new local government.

40 Levying rates and charges

- (1) This section applies if, immediately before the changeover day, a continuing local government—
 - (a) had made or imposed a rate or charge in relation to land in the new local government area of the related new local government; and
 - (b) had not given a notice levying the rate or charge on a person.
- (2) The new local government—
 - (a) must give the person a notice levying the rate or charge; and
 - (b) is taken to have made and levied the rate or charge.

[s 41]

41 Recovery of unpaid rates and charges

- (1) This section applies if—
 - (a) before the changeover day, a continuing local government had given a person a notice levying a rate or charge in relation to land in the new local government area of the related new local government; and
 - (b) immediately before the changeover day, the rate or charge had not been paid.
- (2) The new local government is taken to have made and levied the rate or charge.
- (3) If the time for payment of the rate or charge has not ended before the changeover day, the time continues to run until the due date for payment of the rate or charge.
- (4) If the person fails to pay the rate or charge by the due date for payment of the rate or charge, the new local government may take action against the person to recover the rate or charge.

42 Fees

From the changeover day, a fee fixed or levied by a continuing local government in relation to the new local government area of the related new local government—

- (a) is taken to have been fixed or levied by the new local government; and
- (b) applies until the new local government varies the fee.

43 Recovery of unpaid fees

- (1) This section applies if—
 - (a) before the changeover day, a continuing local government had levied a fee in relation to the new local government area of the related new local government; and
 - (b) immediately before the changeover day, the fee had not been paid.

- (2) The new local government is taken to have levied the fee.
- (3) If the time for payment of the fee has not ended before the changeover day, the time continues to run until the due date for payment of the fee.
- (4) If the person fails to pay the fee by the due date for payment of the fee, the new local government may take action against the person to recover the fee.

44 Register for dealings in assets

The registrar of titles or other person responsible for keeping a register for dealings in assets must, if asked by a local government, record the transfer or the vesting of any asset under this part in the local government.

Part 5 Local laws and other instruments

45 Local laws for new local government

- (1) A current local law of a continuing local government, from the changeover day, is taken to be a local law of the related new local government.
- (2) The local law is taken to have been made by the new local government on the changeover day.
- (3) A current local law taken to be a local law of a new local government under subsection (1) must be read with the changes necessary to make it consistent with, and adapt its operation to, this regulation.
- (4) In this section—

current local law, of a continuing local government, means a local law of the continuing local government in force immediately before the changeover day.

[s 46]

46 Planning instruments for new local government

- (1) A current planning instrument applying to a continuing local government, from the changeover day, is taken to be a planning instrument applying to the related new local government.
- (2) A current planning instrument taken to be a planning instrument applying to a new local government under subsection (1) must be read with the changes necessary to make it consistent with, and adapt its operation to, this regulation.
- (3) A planning scheme taken to be a planning instrument applying to a new local government under subsection (1) is taken to have been originally made by the new local government on the day that it was originally made by the continuing local government.

Note—

See the Planning Act, section 91 (Local government must review planning scheme every 10 years).

- (4) If a continuing local government started to prepare a new planning scheme for its local government area, but did not finish preparing the planning scheme, before the changeover day—
 - (a) the related new local government may, from the changeover day, continue preparing the new planning scheme; and
 - (b) the new planning scheme, when approved under the Planning Act, will apply only to the new local government area of the new local government.
- (5) In this section—

current planning instrument, applying to a continuing local government, means a planning instrument applying to the continuing local government immediately before the changeover day.

47 Existing instruments continue in force

- (1) This section applies to an instrument made under a local law or an Act—
 - (a) made by a continuing local government before the changeover day about—
 - (i) a resident in the new local government area of the related new local government; or
 - (ii) an owner of land in the new local government area of the related new local government; or
 - (iii) land in the new local government area of the related new local government; or
 - (iv) a person's entitlement to carry out an activity in the new local government area of the related new local government; and
 - (b) in force immediately before the changeover day.
- (2) For the new local government dealing, from the changeover day, with an instrument made under a local law—
 - (a) the local law under which the instrument was made is taken to be a local law of the new local government; and
 - (b) the local law is taken to be in force for the new local government area of the new local government; and
 - (c) the instrument is taken to have been made by the new local government under the local law; and
 - (d) the new local government is responsible for administering the local law to deal with the instrument; and
 - (e) the instrument continues in force until it is amended or repealed by the new local government.
- (3) For the new local government dealing, from the changeover day, with an instrument made under an Act, the instrument is taken to have been properly made under the Act by the new local government and continues in force until it would, if the

[s 48]

de-amalgamation under this regulation had not occurred, have ceased to have effect under the Act.

(4) In this section—

instrument does not include a planning instrument.

48 Pending legal proceedings

(1) Despite anything else in this regulation, a pending legal proceeding by or against a continuing local government for a matter relating to the new local government area of the related new local government must, from the changeover day, be started or continued by or against the new local government.

(2) In this section—

pending legal proceeding, by or against a continuing local government, means a legal proceeding that—

- (a) could have been started or continued by or against the continuing local government before the changeover day; and
- (b) is not finished before the changeover day.

49 Administrative processes

An administrative process that could have been started or continued by or against a continuing local government before the changeover day for a matter relating to the new local government area of the related new local government may, from the changeover day, be started or continued by or against the new local government.

50 References in documents

(1) In a document relating to the new local government area of a new local government, including, for example, a contract to which a continuing local government is a party, a reference to the continuing local government may, if the context permits, be taken to be—

- (a) a reference to the related new local government; or
 - (b) a reference to both the continuing local government and the related new local government.
- (2) If, under subsection (1)(b), a reference in a contract to a continuing local government is taken to be a reference to both the continuing local government and the related new local government, the contract continues in force according to its terms and both the continuing local government and the related new local government are taken to be a party to the contract.

51 Effect of local laws and other instruments of continuing local government

To remove any doubt, it is declared that, from the changeover day, a local law, planning instrument or other instrument of a continuing local government has effect only in the local government area of the continuing local government that comes into existence on the changeover day.

Part 5A Disaster management matters

51A Action by transfer manager

- (1) Before the changeover day, the transfer manager for a new local government must take action to ensure that, on the changeover day, the new local government may operate effectively and immediately under the *Disaster Management Act 2003*.
- (2) In taking action under subsection (1), the transfer manager acts in place of the new local government.
- (3) Without limiting subsection (1), a transfer manager must take the following actions under the *Disaster Management Act 2003*—

[s 51B]

- (a) appoint, under section 24 of that Act, a person to be a member of a district group;
 - (b) establish, under section 29 of that Act, a Local Disaster Management Group;
 - (c) appoint, under section 33 of that Act, persons to be members of a Local Disaster Management Group;
 - (d) appoint, under section 34 of that Act, persons to be the chairperson and deputy chairperson of a Local Disaster Management Group;
 - (e) prepare, under section 57 of that Act, and approve, under section 80 of that Act, a plan for disaster management in a new local government's area;
 - (f) nominate, under section 85(2) of that Act, a member of an SES unit to be the local controller of the unit.
- (4) For subsection (3)(c) and (d), a person elected to be a councillor of a new local government is taken to be a councillor of the new local government.

51B Appointment of local disaster coordinator

- (1) Before the changeover day, the person appointed under section 51A(3)(d) as the chairperson of a Local Disaster Management Group must appoint, under the *Disaster Management Act 2003*, section 35 (the **appointment section**), a person as a local disaster coordinator of the group.
- (2) For subsection (1)—
 - (a) a reference in the appointment section to the chief executive officer of a local government is taken to be a reference to a transfer manager; and
 - (b) a reference in the appointment section to an employee of a local government is taken to be a reference to a person who will be an employee of a new local government.

51C Effect of action under this part

- (1) An action taken under this part has effect from the changeover day until the new local government for which the action is taken otherwise provides.
- (2) However, a person appointed under section 51A(3)(d) as the chairperson of a Local Disaster Management Group must act under section 51B before the changeover day even though the person's appointment as chairperson does not take effect until the changeover day.

Part 6 Continuing local governments

Division 1 Councillors

52 Ending of term of councillors

- (1) This section applies to a councillor for the following divisions of the following local government areas—
 - (a) Cairns, division 10;
 - (b) Rockhampton, divisions 1, 2 and 3;
 - (c) Sunshine Coast, divisions 11 and 12;
 - (d) Tablelands, divisions 1, 7 and 8.
- (2) The councillor's term ends on the changeover day.

53 Continuation of term of councillors

- (1) This section applies to the following persons—
 - (a) the mayor of the following local governments—
 - (i) Cairns Regional Council;
 - (ii) Rockhampton Regional Council;

[s 54]

- (iii) Sunshine Coast Regional Council;
- (iv) Tablelands Regional Council;
- (b) a councillor for the following divisions of the following local government areas—
 - (i) Cairns, divisions 1, 2, 3, 4, 5, 6, 7, 8 and 9;
 - (ii) Rockhampton, divisions 4, 5, 6, 7, 8, 9 and 10;
 - (iii) Sunshine Coast, divisions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10;
 - (iv) Tablelands, divisions 2, 3, 4, 5 and 6.
- (2) To remove any doubt, it is declared that the person's term as mayor or councillor ends at the conclusion of the next quadrennial election of the local government of which the person is mayor or councillor.

Division 2 Employees

54 New organisational structure

- (1) A continuing local government must, under section 196 of the Act, adopt an organisational structure that is appropriate to the performance of the local government's responsibilities after changeover day.
- (2) The new organisational structure must be implemented on the changeover day.

55 Allocation of positions

- (1) The chief executive officer of the continuing local government must decide the positions that are to be transferred from the continuing local government to the related new local government on the changeover day.
- (2) The number of positions transferred must be within the approved range, unless otherwise approved by the Minister.
- (3) In this section—

approved range means—

- (a) for Cairns Regional Council—no less than 135 and no more than 165; or
- (b) for Rockhampton Regional Council—no less than 325 and no more than 400; or
- (c) for Sunshine Coast Regional Council—no less than 365 and no more than 450; or
- (d) for Tablelands Regional Council—no less than 245 and no more than 300.

56 Entitlements of transferred employees

- (1) This section applies to an employee of a continuing local government who is transferred to the related new local government because of a decision under section 55.
- (2) The employee becomes an employee of the new local government on the changeover day.
- (3) The employee is entitled to all existing and accruing rights of employment applying to the employee immediately before the changeover day.
- (4) Subject to any industrial instrument applying to the employee, the new local government is not obliged to employ the employee on the same conditions on which the employee was employed by the continuing local government.
- (5) If the employee is retrenched or made redundant because of a decision made by the new local government from the changeover day—
 - (a) the employee is entitled to be paid an amount for the retrenchment or redundancy in accordance with the retrenchment or redundancy arrangements applying to the employee immediately before the changeover day; and
 - (b) the new local government must pay the amount.
- (6) This section applies despite the *Local Government Regulation 2012*, section 287(1) and (2).

[s 57]

Division 3 Duties and responsibilities

57 Major contracts

- (1) This section applies if a continuing local government proposes to enter into a major contract that would bind the related new local government after the changeover day.
- (2) The continuing local government must not enter into the contract unless the transfer manager for the new local government agrees in writing to the continuing local government entering into the contract.
- (3) If the continuing local government and the transfer manager for the new local government are unable to agree on whether the continuing local government should enter into the contract, the Minister must make the decision.

- (4) In this section—

major contract means a contract the total value of which is more than the greater of the following—

- (a) \$200000;
- (b) 1% of the continuing local government's net rate and utility charges as stated in the continuing local government's audited financial statements included in the continuing local government's most recently adopted annual report.

58 Duty to facilitate de-amalgamation

- (1) A continuing local government must do all acts and things necessary or desirable to facilitate a de-amalgamation under this regulation.
- (2) Without limiting subsection (1), a continuing local government must give the related new local government the documents that are necessary to enable compliance with this regulation.

59 Responsibility for local government area

Nothing in this regulation affects a continuing local government's responsibility for the good rule and local government of its local government area, whether before or after changeover day.

Part 7 Amendment of Local Government Regulation 2012

60 Regulation amended in pt 7

This part amends the Local Government Regulation 2012.

61 Amendment of sch 1 (Prescribed information about local governments)

Schedule 1, entry for Cairns, Rockhampton, Sunshine Coast and Tablelands—

omit, insert—

<i>Cairns</i>	<i>region</i>	<i>LGB 14 edition 3</i>	<i>division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1</i>	<i>10</i>
<i>Douglas</i>	<i>shire</i>	<i>LGB 75</i>	<i>area not divided</i>	<i>5</i>
<i>Livingstone</i>	<i>shire</i>	<i>LGB 76</i>	<i>area not divided</i>	<i>7</i>
<i>Mareeba</i>	<i>shire</i>	<i>LGB 77</i>	<i>area not divided</i>	<i>7</i>
<i>Noosa</i>	<i>shire</i>	<i>LGB 78</i>	<i>area not divided</i>	<i>7</i>

Local Government (De-amalgamation Implementation) Regulation 2013
 Part 7 Amendment of Local Government Regulation 2012

[s 61]

<i>Rockhampton</i>	<i>region</i>	<i>LGB 58 edition 2</i>	<i>division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1</i>	<i>8</i>
<i>Sunshine Coast</i>	<i>region</i>	<i>LGB 63 edition 3</i>	<i>division 1—1 division 2—1 division 3—1 division 4—1 division 5—1 division 6—1 division 7—1 division 8—1 division 9—1 division 10—1</i>	<i>11</i>
<i>Tablelands</i>	<i>region</i>	<i>LGB 64 edition 1</i>	<i>division 2—1 division 3—1 division 4—1 division 5—1 division 6—1</i>	<i>6</i>

Schedule Dictionary

section 6

changeover day see section 5(1).

continuing local government see section 5(1).

de-amalgamation costs, of a new local government, see section 35.

document includes record.

local advisory committee see section 31(1).

new local government see section 5(1).

new local government area see section 5(1).

planning instrument see the Planning Act, schedule 3.

planning scheme see the Planning Act, schedule 3.

related, continuing local government and new local government, see section 5(2).

responsible entity, for part 3, division 2, see section 19.

transfer committee see section 26(1).

transfer manager—

- (a) generally— see section 12(1); or
- (b) for part 3, division 3, see section 25.

transfer methodology see section 20(1).

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	34
3 Key	35
4 Table of reprints	35
5 List of legislation	36
6 List of annotations	37

2 Date to which amendments incorporated

This is the reprint date mentioned in the *Reprints Act 1992*, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 December 2013. Future amendments of the *Local Government (De-amalgamation Implementation) Regulation 2013* may be made in accordance with this reprint under the *Reprints Act 1992*, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
12 April 2013	none	
13 September 2013	2013 SL No. 177	
6 December 2013	2013 SL No. 273	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Local Government (De-amalgamation Implementation) Regulation 2013 SL No. 48

made by the Governor in Council on 11 April 2013

notfd gaz 12 April 2013 pp 514–15

ss 1–2 commenced on date of notification

pt 7 commences 1 January 2014 (see s 2)

remaining provisions commenced on date of notification

exp 1 September 2023 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Local Government (De-amalgamation Implementation) Amendment Regulation (No. 1) 2013 SL No. 177

notfd gaz 13 September 2013 pp 74–5

commenced on date of notification

Local Government Legislation Amendment Regulation (No. 4) 2013 SL No. 273 s 1, pt 4

notfd <www.legislation.qld.gov.au> 6 December 2013

commenced on date of notification

6 List of annotations

Achievement of purpose

s 4 amd 2013 SL No. 177 s 3

PART 2—ELECTIONS FOR NEW LOCAL GOVERNMENTS

pt hdg amd 2013 SL No. 177 s 4

Application of pt 2

s 7 amd 2013 SL No. 177 s 5

Conduct of elections

s 8 sub 2013 SL No. 177 s 6

Notice for elections

s 9 sub 2013 SL No. 177 s 6

Remuneration of councillors

s 11 amd 2013 SL No. 177 s 7

PART 5A—DISASTER MANAGEMENT MATTERS

pt 5A (ss 51A–51C) ins 2013 SL No. 273 s 32

Entitlements of transferred employees

s 56 amd 2013 SL No. 273 s 33

© State of Queensland 2013
Authorised by the Parliamentary Counsel