



Queensland

Local Government Legislation Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 10

made under the

City of Brisbane Act 2010

Local Government Act 2009

General outline

Short title

Local Government Legislation Amendment Regulation (No. 1) 2013.

Authorising law

Section 252 of the *City of Brisbane Act 2010*.

Section 270 of the *Local Government Act 2009*.

Policy objectives and the reasons for them

- To amend the *Local Government Regulation 2012* (LGR) to provide that councils are no longer required to take minutes for certain committee meetings and to reinstate the requirement for a local council to notify the auditor-general if it is aware that property of, or received by it, is missing and the property has a total value of \$1 000 or more;
- To amend the LGR and the *City of Brisbane Regulation 2012* (CBR) to:

- remove the requirement for a council's annual report to include a copy of the expenses reimbursement policy;
- make consequential amendments to remove outdated references to equal opportunity in employment;
- in certain circumstances, allow for the disposal of non-current assets of a council without a tender or auction in certain prescribed exemption situations without the requirement that the disposal be for the market value.

Achievement of policy objectives

Council's expenses reimbursement policy

The LGR section 186(c) and the CBR section 178(c) require a council's annual report to include a copy of the council's expenses reimbursement policy. As the LGR/CBR already require a copy of the policy to be available at a council's office and on a council's website, the requirement to include the policy in a council's annual report is considered unnecessary. The amendment removes from the LGR and the CBR the requirement for a council's annual report to include a copy of the council's expenses reimbursement policy.

Outdated references to Equal Employment Opportunity (EEO)

The EEO provisions were repealed in the *Local Government Act 2009* (LGA) by the *Local Government and Other Legislation Amendment Act 2012* as local governments must already comply with EEO matters through their own policies, the local government principles and State/Commonwealth industrial relations and anti-discrimination laws. Inadvertently, EEO references remained in the LGR and the CBR. The amendment removes outdated EEO references from the LGR and CBR.

Exemption from tender or auction

The LGR section 236 and the CBR section 226, allow for the disposal of non-current assets of a council without a tender or auction in certain prescribed exemption situations. The exemptions are subject to the requirement that the disposal be for the market value of the land. Inadvertently, the market value requirement prevents a council from gifting land or disposing of an interest in land to a community organisation, for example, which was allowed under the repealed *Local Government*

(Finance, Plans and Reporting) Regulation 2009. The amendment to the LGR and the CBR enables the following exemptions to occur without the need for market value consideration: if the valuable non-current asset is disposed of to a government agency, or a community organisation; if the disposal of land or an interest in land is disposed of to a person whose restored enjoyment of the land is consistent with Aboriginal tradition or Island custom; and if the Minister exempts a local government from complying with the LGR section 227 and the CBR section 217.

Minutes of committee meetings

The LGR section 272 sets out the requirements for the minutes of each meeting of a local government. The repealed *Local Government (Operations) Regulation 2010* (LGOR) allowed a local government to exempt a committee that only advises or makes recommendations, that is the committee doesn't make decisions on behalf of the local government, from taking minutes. The amendment reinstates the exemption which was not transferred to the LGR.

Reporting missing local government property

The LGOR section 120 provided that a local government must immediately give written notice to the auditor-general if the local government becomes aware that property of, or received by it, is missing and the property has a total value of \$1 000 or more. Also, if the local government suspects the property may have been stolen, the local government must immediately give written notice to a police officer. The provision was not transferred to the LGR and the Queensland Audit Office requested that the provision be reinstated. The proposed amendment reinstates the provision in the LGR.

Consistency with policy objectives of authorising law

The proposed regulation is consistent with the policy objectives of the *City of Brisbane Act 2010* and the *Local Government Act 2009*.

Benefits and costs of implementation

Not applicable.

Consistency with fundamental legislative principles

The proposed regulation is consistent with the fundamental legislative principles, as defined in the *Legislative Standards Act 1992*.

Consultation

The Local Government Association of Queensland, Brisbane City Council and Queensland Treasury and Trade have been consulted. There is support for the proposed regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Local Government.

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