



Queensland

# Local Government Legislation Amendment Regulation (No. 1) 2020

## Subordinate Legislation 2020 No. 244

made under the

*City of Brisbane Act 2010*

*Local Government Act 2009*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Local Government Legislation Amendment Regulation (No. 1) 2020*.

### 2 Commencement

(1) The following provisions commence on 12 October 2020 immediately after the commencement of the *Local Government Legislation (Integrity) Amendment Regulation 2020*, section 27—

- (a) section 21;
- (b) section 22;
- (c) section 23, to the extent it inserts section 303;
- (d) section 24;
- (e) section 47;
- (f) section 48, to the extent it inserts section 364;
- (g) section 49.

(2) The following provisions commence on 1 January 2021—

- (a) sections 27 to 30;
- (b) section 48, to the extent it inserts section 359.

## Part 2 Amendment of City of Brisbane Regulation 2012

### 3 Regulation amended

This part amends the *City of Brisbane Regulation 2012*.

[s 4]

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## **4 Insertion of new ch 4, pt 9, div 4**

Chapter 4, part 9—

*insert—*

### **Division 4 Extraordinary decisions**

#### **110A Council may make extraordinary decisions— Act, s 96A**

- (1) For the 2020–2021 financial year, the council may decide, by resolution made other than at the council budget meeting for the financial year, what rates and charges are to be levied for the period of the financial year—
  - (a) starting on a day not earlier than the day the resolution is made; and
  - (b) ending on 30 June 2021.
- (2) Subject to subsection (3), this regulation applies in relation to an extraordinary decision as if it were made at the council budget meeting for the 2020–2021 financial year.
- (3) For applying a provision of this regulation in relation to an extraordinary decision—
  - (a) a reference to a budget meeting is taken to be a reference to the meeting at which the extraordinary decision is made; and
  - (b) the provision applies with any other necessary changes.

#### **110B Expiry**

This division expires on 30 June 2021.

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**5 Amendment of s 124 (What are *overdue* rates or charges and when do they become *overdue*)**

(1) Section 124(1)—

*insert—*

(ba) if the council decides to sell land under section 132 and the land is not sold within 1 year after the council gives the registered owner a notice of intention to sell—the expenses incurred by the council in relation to selling the land; and

(2) Section 124(1)(ba) and (c)—

*renumber* as section 124(1)(c) and (d).

(3) Section 124—

*insert—*

(7) The expenses mentioned in subsection (1)(c) become *overdue* 1 year after the notice of intention to sell is given to the registered owner.

**6 Amendment of s 133 (When procedures for selling land must be started)**

(1) Section 133, heading, ‘be started’—

*omit, insert—*

**start and end**

(2) Section 133(2)—

*omit, insert—*

(2) The council must start the procedures mentioned in section 134(4) for selling the land within 6 months after the council gives the notice of intention to sell the land to the registered owner of the land.

(3) Section 133(3)—

*omit, insert—*

[s 7]

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- (3) The council must end the procedures at the earliest of the following—
  - (a) the council is paid—
    - (i) the amount of the overdue rates or charges; and
    - (ii) all expenses that the council incurs in attempting to sell the land;
  - (b) the land is sold;
  - (c) 1 year after the notice of intention to sell is given to the registered owner.
- (4) If the council ends the procedures under subsection (3)(c), nothing in this section prevents the council from deciding to sell the land again under section 132(2).

## **7 Amendment of s 134 (Procedures for selling land)**

- (1) Section 134(4)—  
*omit.*
- (2) Section 134(5)(b)—  
*omit, insert—*
  - (b) publish the auction notice on the council's website; and
- (3) Section 134(5)—  
*insert—*
  - (e) take all reasonable steps to publish the auction notice in another way to notify the public about the sale of the land.  
*Examples of other ways to publish the auction notice—*  
publish the auction notice in a newspaper that is circulating generally in Brisbane or on a real estate trading website
- (4) Section 134—



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*insert—*

(7) In this section—

***auction notice***, for a sale of land by auction, means a written notice stating—

- (a) the day, time and place of the auction; and
- (b) a full description of the land.

(5) Section 134(5) to (7)—

*renumber* as section 134(4) to (6).

## **8 Amendment of s 135 (Conduct of auction)**

(1) Section 135(1), after ‘price for’—

*insert—*

the land at

(2) Section 135(2)—

*omit, insert—*

(2) If the reserve price for the land is not reached at the auction, the council may enter into negotiations with any bidder who attended the auction to sell the land by agreement.

(3) Section 135(3), from ‘be more’—

*omit, insert—*

not be less than the reserve price for the land.

(4) Section 135(4) and (5)—

*omit.*

## **9 Replacement of s 136 (Procedures after sale of land to council)**

Section 136—

*omit, insert—*

[s 9]

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### **136 Procedures for selling land by another auction or negotiation**

- (1) The council may, after the day of the auction, decide to continue to offer the land for sale by another auction, or sale by negotiation, under this section.
- (2) The council must end any negotiations entered into under section 135(2) when it makes a decision under subsection (1).
- (3) Sections 134(3) to (5) and 135 apply to the preparation and conduct of any subsequent sale by auction under this section.
- (4) The council must prepare a sales notice if it decides to offer the land for sale by negotiation under this section.
- (5) The council must—
  - (a) give a copy of the sales notice to each interested party who was given a notice of intention to sell the land; and
  - (b) publish the sales notice on the council's website; and
  - (c) display the sales notice in a conspicuous place in the council's public office; and
  - (d) display the sales notice in a conspicuous place on the land unless it is not reasonably practicable to do so because the land is in a remote location or difficult to access; and
  - (e) take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.

*Examples of other ways to publish the sales notice—*

publish the sales notice in a newspaper that is circulating generally in Brisbane or on a real estate trading website

- (6) However, if—

- 
- (a) the land is a building unit; and
  - (b) it is not practicable to display the sales notice in a conspicuous place on the land;  
the notice may be displayed in a conspicuous part of the common property for the building units.
- (7) The council must ensure that the price for land offered for sale by negotiation under this section is at least—
- (a) the market value of the land; or
  - (b) the higher of the following—
    - (i) the amount of overdue rates or charges on the land;
    - (ii) the value of the land.
- (8) In this section—
- sales notice***, for a sale of land by negotiation, means a written notice stating—
- (a) the land is for sale by negotiation; and
  - (b) a full description of the land.

## 10 **Amendment of s 137 (Procedures after sale of land other than to council)**

- (1) Section 137, heading, ‘other than to council’—  
*omit.*
- (2) Section 137(1), from ‘at auction under’—  
*omit, insert—*  
under this subdivision.
- (3) Section 137(2)(a), ‘division’—  
*omit, insert—*  
subdivision

[s 11]

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**11 Amendment of s 160 (Preparation and content of budget)**

Section 160(6), ‘previous budget’—

*omit, insert—*

budget for the previous financial year

**12 Insertion of new ch 5, pt 2, div 3A**

Chapter 5, part 2—

*insert—*

**Division 3A      Amendment of annual  
budget for extraordinary  
decisions**

**165A Amendment of annual budget—Act, s 96A**

- (1) This section applies if the council makes an extraordinary decision.

*Note—*

See section 96A of the Act, and chapter 4, part 9, division 4 of this regulation, in relation to the council making extraordinary decisions about rates and charges for a relevant part of the 2020–2021 financial year.

- (2) The council must, at the meeting at which the extraordinary decision is made, amend the annual budget for the 2020–2021 financial year to take account of the extraordinary decision.
- (3) If the annual budget does not comply with the following when it is amended, the amendment of the budget is of no effect—
- (a) section 160;
  - (b) the council’s extraordinary decision.
- (4) The council must adopt an annual budget amended in compliance with this section.

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### 165B Expiry

This division expires on 30 June 2021.

### 13 Amendment of s 182 (Other contents)

Section 182(1)(e), ‘section 218(7)’—

*omit, insert—*

section 218(8)

### 14 Insertion of new ch 5, pt 11, div 3

Chapter 5, part 11—

*insert—*

## Division 3      Controlled entities

### 203A Notices for notifiable events and governing documents

- (1) Subsection (2) applies if—
  - (a) a controlled entity of the council is established or abolished (a *notifiable event*);  
or
  - (b) an entity becomes a controlled entity, or stops being a controlled entity, of the council (also a *notifiable event*).
- (2) The council must, within 14 days after the notifiable event happens, give the Minister—
  - (a) a notice stating the following—
    - (i) the name of the controlled entity;
    - (ii) a description of the notifiable event;
    - (iii) when the notifiable event happened;and

[s 14]

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- (b) any documents, including governing documents, about the controlled entity that the council considers to be relevant to the notifiable event.
- (3) If a governing document of a controlled entity of the council changes, the council must, within 14 days of the change happening, give the Minister—
  - (a) a notice stating details of the change; and
  - (b) a copy of the governing document as amended.
- (4) In this section—

***governing document***, of a controlled entity, means a document that governs the activities of the controlled entity or the members of the controlled entity.

*Examples of governing documents of a controlled entity—*  
the constitution of the controlled entity, a statement of corporate intent

### **203B Council to obtain copy of audited financial statements of controlled entities**

- (1) This section applies if the financial statements of a controlled entity of the council are audited under the *Auditor-General Act 2009*.
- (2) The council must obtain a copy of the audited financial statements of the controlled entity from—
  - (a) the controlled entity; or
  - (b) if the controlled entity is subject to the control of another entity and the other entity is subject to the control of the council—the other entity.
- (3) The mayor must present the copy of the audited

financial statements at the next ordinary meeting of the council.

- (4) The council must ensure that, within 14 days after the copy of the audited financial statements is presented at the meeting, the copy is, or a link to the copy is, published on the council's website.

**15 Amendment of s 208 (Power to choose strategic approach)**

Section 208(3)(c)—

*omit, insert—*

- (c) be published on the council's website, and in another way the chief executive officer considers appropriate, at least 4 weeks before the meeting.

**16 Amendment of s 218 (Tender process)**

- (1) Section 218(2)(b), 'subsection (6)(b)'—

*omit, insert—*

subsection (7)(b)

- (2) Section 218(4) and (5)—

*omit, insert—*

- (4) The invitation for tenders must—
- (a) be published on the council's website for at least 21 days; and
- (b) allow written tenders to be given to the council while the invitation is published on the website.
- (5) The invitation for expressions of interest must—
- (a) be published on the council's website for at least 21 days; and

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(b) allow written expressions of interest to be given to the council while the invitation is published on the website.

(5A) Also, the council must take all reasonable steps to publish the invitation for tenders or invitation for expressions of interest in another way to notify the public about the tender process.

*Examples for subsection (6)—*

publishing an invitation in an industry publication or on the QTENDERS website

(3) Section 218(6), ‘subsection (5)’—

*omit, insert—*

subsection (5) or (6)

(4) Section 218(7)(a), ‘subsection (4) or (6)(b)’—

*omit, insert—*

subsection (4) or (7)(b)

(5) Section 218(5A) to (9)—

*renumber* as section 218(6) to (10).

## **17 Amendment of s 221 (Exception for contractor on approved contractor list)**

Section 221(4)—

*omit, insert—*

(4) The council must put together the approved contractor list by—

(a) publishing an invitation for expressions of interest from suitably qualified persons for at least 21 days on the council’s website; and

(b) taking all reasonable steps to publish the invitation in another way to notify the public



about the making of the approved contractor list; and

*Examples for paragraph (b)—*

publishing an invitation in an industry publication or on the QTENDERS website

- (c) allowing written expressions of interest to be given to the council while the invitation is published on the website; and
- (d) choosing persons for the approved contractor list on the basis of the sound contracting principles.

**18 Amendment of s 222 (Exception for register of pre-qualified suppliers)**

- (1) Section 222(2), ‘subsections (3) to (6)’—

*omit, insert—*

subsections (3) to (7)

- (2) Section 222(5)—

*omit, insert—*

- (5) The invitation must—

- (a) be published on the council’s website for at least 21 days; and
- (b) allow written tenders to be given to the council while the invitation is published on the website.

- (5A) Also, the council must take all reasonable steps to publish the invitation in another way to notify the public about establishing the register of pre-qualified suppliers.

*Examples for subsection (6)—*

publishing an invitation in an industry publication or on the QTENDERS website

- (3) Section 222(5A) to (7)—

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*renumber* as section 222(6) to (8).

**19 Amendment of s 223 (Exception for a preferred supplier arrangement)**

(1) Section 223(2), ‘subsections (3) to (8)’—

*omit, insert—*

subsections (3) to (9)

(2) Section 223(4)—

*omit, insert—*

(4) The invitation to tender for a preferred supplier arrangement must—

(a) be published on the council’s website for at least 21 days; and

(b) allow written tenders to be given to the council while the invitation is published on the website; and

(c) describe the terms of the preferred supplier arrangement.

(4A) Also, the council must take all reasonable steps to publish the invitation in another way to notify the public about the tender process.

*Examples for subsection (5)—*

publishing an invitation in an industry publication or on the QTENDERS website

(3) Section 223(8), ‘subsection (7)’—

*omit, insert—*

subsection (8)

(4) Section 223(4A) to (8)—

*renumber* as section 223(5) to (9).

**20 Amendment of s 235 (Publication of remuneration decisions)**

Section 235, from ‘the decision—’

*omit, insert—*

the decision on the council’s website and in any other way the chief executive officer considers appropriate.

**21 Amendment of s 271 (Who may inspect a register of interests)**

Section 271(1), ‘viewed’—

*omit, insert—*

inspected

**22 Replacement of s 273 (Publication of register of interests of councillors)**

Section 273—

*omit, insert—*

**273 Making available particular registers of interests and extracts of those registers**

- (1) The council must make a copy of the register of interests of each councillor available for inspection at the council’s public office.
- (2) Also, the council must make an extract of the register of interests of each councillor available for inspection on the council’s website.
- (3) The extract of the register of interests must show the particulars mentioned in schedule 3—
  - (a) for each interest mentioned in schedule 3A, column 1 held by the councillor; and
  - (b) for the period mentioned in schedule 3A, column 2 opposite the interest.

[s 23]

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- (4) If the register of interests for a councillor changes, the copy and extract of the register must be amended to reflect the change as soon as practicable, but no later than 5 business days, after the change happens.

## 23 Insertion of new ch 10, pt 9

Chapter 10—

*insert—*

### **Part 9**

## **Transitional provisions for Local Government Legislation Amendment Regulation (No. 1) 2020**

### **298 Definitions for part**

In this part—

*former*, for a provision of this regulation, means the provision as in force from time to time before the commencement.

*new*, for a provision of this regulation, means the provision as in force from the commencement.

### **299 Selling land for overdue rates or charges**

- (1) This section applies if—
- (a) before the commencement, the council decided to sell land under section 132(2); and
  - (b) on the commencement, the land has not been sold or taken to have been sold under section 135(4).

- (2) Former chapter 4, part 12 continues to apply in relation to the sale of the land.

### **300 Copy of audited financial statements of controlled entities for financial year ending 30 June 2020**

Section 203B does not apply to the council in relation to the copy of the audited financial statements of a controlled entity of the council for the financial year ending 30 June 2020.

### **301 Existing notices about resolution to apply strategic contracting procedures**

- (1) This section applies if—
- (a) before the commencement, the council published a notice under former section 208(3)(c); and
  - (b) on the commencement, the meeting to which the notice relates has not been held.
- (2) The notice continues in effect as if it were a notice under new section 208(3)(c).

### **302 Existing invitations to tender and invitations for expressions of interest**

- (1) This section applies if—
- (a) before the commencement, the council advertised an invitation to tender or invitation for expressions of interest under former section 218(4)(a), 218(5)(a), 221(4)(a), 222(5)(a) or 223(4)(a); and
  - (b) on the commencement, the period for giving a tender or expression of interest in response to the invitation under former section 218, 221, 222 or 223 has not ended.

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- (2) The invitation continues in effect as if it were an invitation under new section 218(4)(a), 218(5)(a), 221(4)(a), 222(5)(a) or 223(4)(a).

### **303 Registers of interests of councillors**

- (1) The council must ensure that an extract of the register of interests for each councillor is made available for inspection under new section 273 within 35 days after the commencement.
- (2) Former section 273 continues to apply to the register of interests of a councillor until the council makes an extract of the register available for inspection under new section 273.

## **24 Insertion of new sch 3A**

After schedule 3—

*insert—*

### **Schedule 3A Content of extracts of registers of interests of councillors**

section 273(3)

Column 1	Column 2
Interest	Period
a gift mentioned in schedule 3, section 12(1)(a) that is less than \$2,000	(a) the term in which the gift is received; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
gifts mentioned in schedule 3, section 12(1)(b) that total less than \$2,000	(a) the term in which the gifts first total \$500 or more; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
a gift or gifts mentioned in schedule 3, section 12(1) not mentioned in the above 2 entries	each term the councillor holds office as a councillor
a sponsored travel or accommodation benefit mentioned in schedule 3, section 13 that is less than \$2,000	(a) the term in which the sponsored travel or accommodation benefit is received; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
a sponsored travel or accommodation benefit mentioned in schedule 3, section 13 that is \$2,000 or more	each term the councillor holds office as a councillor

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Column 1	Column 2
<b>Interest</b>	<b>Period</b>
all sponsored travel or accommodation benefits mentioned in schedule 3, section 13 received by a councillor from 1 person during the relevant term for the councillor that total \$2,000 or more	each term the councillor holds office as a councillor
a donation mentioned in schedule 3, section 14B(1)(a) that is less than \$2,000	(a) the term in which the donation was made; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
donations mentioned in schedule 3, section 14B(1)(b) that total less than \$2,000	(a) the term in which the donations made first total \$500 or more; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
a donation or donations mentioned in schedule 3, section 14B(1) not mentioned in the above 2 entries	each term the councillor holds office as a councillor
another interest mentioned in schedule 3	the period for which the councillor holds the interest

## 25 Amendment of sch 4 (Dictionary)

(1) Schedule 4—

*insert—*

***control***, in relation to a controlled entity of the



council, means control within the meaning of the *Auditor-General Act 2009*, section 5.

***controlled entity***, of the council, means a controlled entity under the *Auditor-General Act 2009*, section 5, subject to the control of—

- (a) the council, whether on its own or with 1 or more other entities; or
- (b) an entity subject to the control of the council, whether on its own or with 1 or more other entities.

- (2) Schedule 4, definition *pre-qualified supplier*, ‘section 222(7)’—

*omit, insert*—

section 222(8)

## **Part 3                                      Amendment of Local Government Regulation 2012**

### **26            Regulation amended**

This part amends the *Local Government Regulation 2012*.

### **27            Amendment of s 66 (Imposition of levy)**

Section 66(1), ‘31 December 2020’—

*omit, insert*—

31 December 2021

### **28            Amendment of s 67 (Payment of levy)**

Section 67(1)—

*omit, insert*—

- (1) Each Kuranda rail operator must, within 6 months

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---

after the end of each financial year for which the tourist infrastructure levy is imposed, pay the State the amount of the levy imposed on the operator during the financial year.

**29 Amendment of s 68 (Obligation to give annual statements)**

Section 68(1)—

*omit, insert—*

- (1) Each Kuranda rail operator must, within 6 months after each financial year ends, give the chief executive a written statement for the financial year that complies with subsection (2).

**30 Amendment of s 70 (Expiry)**

Section 70, '30 June 2021'—

*omit, insert—*

30 June 2022

**31 Insertion of new ch 4, pt 9, div 4**

Chapter 4, part 9—

*insert—*

**Division 4            Extraordinary decisions**

**118A Local governments may make extraordinary decisions—Act, s 94A**

- (1) For the 2020–2021 financial year, a local government may decide, by resolution made other than at the local government's budget meeting for the financial year, what rates and charges are to be levied for the period of the financial year—

- (a) starting on a day not earlier than the day the resolution is made; and
  - (b) ending on 30 June 2021.
- (2) Subject to subsection (3), this regulation applies in relation to an extraordinary decision as if it were made at the local government's budget meeting for the 2020–2021 financial year.
- (3) For applying a provision of this regulation in relation to an extraordinary decision—
- (a) a reference to a budget meeting is taken to be a reference to the meeting at which the extraordinary decision is made; and
  - (b) the provision applies with any other necessary changes.

### **118B Expiry**

This division expires on 30 June 2021.

## **32 Amendment of s 132 (What are *overdue* rates or charges and when do they become *overdue*)**

- (1) Section 132(1)—
- insert—*
- (ba) if the local government decides to sell land under section 140 and the land is not sold within 1 year after the local government gives the registered owner a notice of intention to sell—the expenses incurred by the local government in relation to selling the land; and
- (2) Section 132(1)(ba) and (c)—
- renumber* as section 132(1)(c) and (d).
- (3) Section 132—

[s 33]

---

*insert—*

- (7) The expenses mentioned in subsection (1)(c) become *overdue* 1 year after the notice of intention to sell is given to the registered owner.

### **33 Amendment of s 141 (When procedures for selling land must be started)**

- (1) Section 141, heading, ‘be started’—

*omit, insert—*

#### **start and end**

- (2) Section 141(2)—

*omit, insert—*

- (2) The local government must start the procedures mentioned in section 142(4) for selling the land within 6 months after the local government gives the notice of intention to sell the land to the registered owner of the land.

- (3) Section 141(3)—

*omit, insert—*

- (3) The local government must end the procedures at the earliest of the following—

- (a) the local government is paid—

- (i) the amount of the overdue rates or charges; and
- (ii) all expenses that the local government incurs in attempting to sell the land;

- (b) the land is sold;

- (c) 1 year after the notice of intention to sell is given to the registered owner.

- (4) If the local government ends the procedures under subsection (3)(c), nothing in this section prevents the local government from deciding to sell the

land again under section 140(2).

### 34 Amendment of s 142 (Procedures for selling land)

(1) Section 142(4)—

*omit.*

(2) Section 142(5)(b)—

*omit, insert—*

(b) publish the auction notice on the local government's website; and

(3) Section 142(5)—

*insert—*

(e) take all reasonable steps to publish the auction notice in another way to notify the public about the sale of the land.

*Examples of other ways to publish the auction notice—*

publish the auction notice in a newspaper that is circulating generally in the local government area or on a real estate trading website

(4) Section 142—

*insert—*

(7) In this section—

***auction notice***, for a sale of land by auction, means a written notice stating—

(a) the day, time and place of the auction; and

(b) a full description of the land.

(5) Section 142(5) to (7)—

*renumber* as section 142(4) to (6).

### 35 Amendment of s 143 (Conduct of auction)

(1) Section 143(1), after 'price for'—

[s 36]

---

*insert—*

the land at

(2) Section 143(2)—

*omit, insert—*

(2) If the reserve price for the land is not reached at the auction, the local government may enter into negotiations with any bidder who attended the auction to sell the land by agreement.

(3) Section 143(3), from ‘be more’—

*omit, insert—*

not be less than the reserve price for the land.

(4) Section 143(4) and (5)—

*omit.*

### **36 Replacement of s 144 (Procedures after sale of land to local government)**

Section 144—

*omit, insert—*

#### **144 Procedures for selling land by another auction or negotiation**

- (1) The local government may, after the day of the auction, decide to continue to offer the land for sale by another auction, or sale by negotiation, under this section.
- (2) The local government must end any negotiations entered into under section 143(2) when it makes a decision under subsection (1).
- (3) Sections 142(3) to (5) and 143 apply to the preparation and conduct of any subsequent sale by auction under this section.
- (4) The local government must prepare a sales notice if it decides to offer the land for sale by

negotiation under this section.

- (5) The local government must—
- (a) give a copy of the sales notice to each interested party who was given a notice of intention to sell the land; and
  - (b) publish the sales notice on the local government's website; and
  - (c) display the sales notice in a conspicuous place in the local government's public office; and
  - (d) display the sales notice in a conspicuous place on the land unless it is not reasonably practicable to do so because the land is in a remote location or difficult to access; and
  - (e) take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.

*Examples of other ways to publish the sales notice—*

publish the sales notice in a newspaper that is circulating generally in the local government area or on a real estate trading website

- (6) However, if—
- (a) the land is a building unit; and
  - (b) it is not practicable to display the sales notice in a conspicuous place on the land;
- the notice may be displayed in a conspicuous part of the common property for the building units.
- (7) The local government must ensure that the price for land offered for sale by negotiation under this section is at least—
- (a) the market value of the land; or
  - (b) the higher of the following—

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---

- (i) the amount of overdue rates or charges on the land;
  - (ii) the value of the land.
- (8) In this section—
- sales notice***, for a sale of land by negotiation, means a written notice stating—
- (a) the land is for sale by negotiation; and
  - (b) a full description of the land.

**37 Amendment of s 145 (Procedures after sale of land other than to local government)**

- (1) Section 145, heading, ‘other than to local government’—  
*omit.*
- (2) Section 145(1), from ‘at auction under’—  
*omit, insert—*  
under this subdivision.
- (3) Section 145(2)(a), ‘division’—  
*omit, insert—*  
subdivision

**38 Amendment of s 169 (Preparation and content of budget)**

- Section 169(6), ‘previous budget’—  
*omit, insert—*  
budget for the previous financial year

**39 Insertion of new ch 5, pt 2, div 3A**

- Chapter 5, part 2—  
*insert—*



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## **Division 3A      Amendment of annual budget for extraordinary decisions**

### **173A Amendment of annual budget—Act, s 94A**

- (1) This section applies if a local government makes an extraordinary decision.

*Note—*

See section 94A of the Act, and chapter 4, part 9, division 4 of this regulation, in relation to a local government making extraordinary decisions about rates and charges for a relevant part of the 2020–2021 financial year.

- (2) The local government must, at the meeting at which the extraordinary decision is made, amend the annual budget for the 2020–2021 financial year to take account of the extraordinary decision.
- (3) If the annual budget does not comply with the following when it is amended, the amendment of the budget is of no effect—
- (a) section 169;
  - (b) the local government’s extraordinary decision.
- (4) The local government must adopt an annual budget amended in compliance with this section.

### **173B Expiry**

This division expires on 30 June 2021.

## **40      Amendment of s 190 (Other contents)**

Section 190(1)(e), ‘section 228(7)’—  
*omit, insert—*

[s 41]

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section 228(8)

## 41 Insertion of new ch 5, pt 11, div 3

Chapter 5, part 11—

*insert—*

### **Division 3            Controlled entities**

#### **213A Notices for notifiable events and governing documents**

- (1) Subsection (2) applies if—
  - (a) a controlled entity of a local government is established or abolished (a *notifiable event*); or
  - (b) an entity becomes a controlled entity, or stops being a controlled entity, of a local government (also a *notifiable event*).
- (2) The local government must, within 14 days after the notifiable event happens, give the Minister—
  - (a) a notice stating the following—
    - (i) the name of the controlled entity;
    - (ii) a description of the notifiable event;
    - (iii) when the notifiable event happened; and
  - (b) any documents, including governing documents, about the controlled entity that the local government considers to be relevant to the notifiable event.
- (3) If a governing document of a controlled entity of a local government changes, the local government must, within 14 days of the change happening, give the Minister—
  - (a) a notice stating details of the change; and

(b) a copy of the governing document as amended.

(4) In this section—

*governing document*, of a controlled entity, means a document that governs the activities of the controlled entity or the members of the controlled entity.

*Examples of governing documents of a controlled entity—*

the constitution of the controlled entity, a statement of corporate intent

### **213B Local government to obtain copy of audited financial statements of controlled entities**

- (1) This section applies if the financial statements of a controlled entity of a local government are audited under the *Auditor-General Act 2009*.
- (2) The local government must obtain a copy of the audited financial statements of the controlled entity from—
  - (a) the controlled entity; or
  - (b) if the controlled entity is subject to the control of another entity and the other entity is subject to the control of the local government—the other entity.
- (3) The mayor must present the copy of the audited financial statements at the next ordinary meeting of the local government.
- (4) The local government must ensure that, within 14 days after the copy of the audited financial statements is presented at the meeting, the copy is, or a link to the copy is, published on the local government's website.

[s 42]

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**42 Amendment of s 218 (Power to choose strategic approach)**

Section 218(3)(c)—

*omit, insert—*

- (c) be published on the local government's website, and in another way the chief executive officer considers appropriate, at least 4 weeks before the meeting.

**43 Amendment of s 228 (Tender process)**

(1) Section 228(2)(b), 'subsection (6)(b)'—

*omit, insert—*

subsection (7)(b)

(2) Section 228(4) and (5)—

*omit, insert—*

(4) The invitation for tenders must—

- (a) be published on the local government's website for at least 21 days; and
- (b) allow written tenders to be given to the local government while the invitation is published on the website.

(5) The invitation for expressions of interest must—

- (a) be published on the local government's website for at least 21 days; and
- (b) allow written expressions of interest to be given to the local government while the invitation is published on the website.

(5A) Also, the local government must take all reasonable steps to publish the invitation for tenders or invitation for expressions of interest in another way to notify the public about the tender process.

*Examples for subsection (6)—*

publishing an invitation in an industry publication or on the QTENDERS website

(3) Section 228(6), ‘subsection (5)’—

*omit, insert—*

subsection (5) or (6)

(4) Section 228(7), ‘subsection (4) or (6)(b)’—

*omit, insert—*

subsection (4) or (7)(b)

(5) Section 228(5A) to (9)—

*renumber* as section 228(6) to (10).

#### **44 Amendment of s 231 (Exception for contractor on approved contractor list)**

Section 231(4)—

*omit, insert—*

(4) The local government must put together the approved contractor list by—

(a) publishing an invitation for expressions of interest from suitably qualified persons for at least 21 days on the local government’s website; and

(b) taking all reasonable steps to publish the invitation in another way to notify the public about the making of the approved contractor list; and

*Examples for paragraph (b)—*

publishing an invitation in an industry publication or on the QTENDERS website

(c) allowing written expressions of interest to be given to the local government while the invitation is published on the website; and

[s 45]

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- (d) choosing persons for the approved contractor list on the basis of the sound contracting principles.

**45 Amendment of s 232 (Exception for register of pre-qualified suppliers)**

- (1) Section 232(2), ‘subsections (3) to (6)’—

*omit, insert—*

subsections (3) to (7)

- (2) Section 232(5)—

*omit, insert—*

- (5) The invitation must—

- (a) be published on the local government’s website for at least 21 days; and
- (b) allow written tenders to be given to the local government while the invitation is published on the website.

- (5A) Also, the local government must take all reasonable steps to publish the invitation in another way to notify the public about establishing the register of pre-qualified suppliers.

*Examples for subsection (6)—*

publishing an invitation in an industry publication or on the QTENDERS website

- (3) Section 232(5A) to (7)—

*renumber* as section 232(6) to (8).

**46 Amendment of s 233 (Exception for a preferred supplier arrangement)**

- (1) Section 233(2), ‘subsections (3) to (8)’—

*omit, insert—*

subsections (3) to (9)

(2) Section 233(4)—

*omit, insert—*

(4) The invitation to tender for a preferred supplier arrangement must—

- (a) be published on the local government's website for at least 21 days; and
- (b) allow written tenders to be given to the local government while the invitation is published on the website; and
- (c) describe the terms of the preferred supplier arrangement.

(4A) Also, the local government must take all reasonable steps to publish the invitation in another way to notify the public about the tender process.

*Examples for subsection (5)—*

publishing an invitation in an industry publication or on the QTENDERS website

(3) Section 233(8), 'subsection (7)'—

*omit, insert—*

subsection (8)

(4) Section 233(4A) to (8)—

*renumber* as section 233(5) to (9).

#### **47 Replacement of s 295 (Publication of register of interests of councillors)**

Section 295—

*omit, insert—*

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### **295 Making available particular registers of interests and extracts of those registers**

- (1) A local government must make a copy of the register of interests of each councillor available for inspection at the local government's public office
- (2) Also, the local government must make an extract of the register of interests of each councillor available for inspection on the local government's website.
- (3) The extract of the register of interests must show the particulars mentioned in schedule 5—
  - (a) for each interest mentioned in schedule 5A, column 1 held by the councillor; and
  - (b) for the period mentioned in schedule 5A, column 2 opposite the interest.
- (4) If the register of interests for a councillor changes, the copy and extract of the register must be amended to reflect the change as soon as practicable, but no later than 5 business days, after the change happens.

### **48 Insertion of new ch 20**

Before schedule 1—

*insert—*

## **Chapter 20 Transitional provisions for Local Government Legislation Amendment Regulation (No. 1) 2020**



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### 358 Definitions for chapter

In this chapter—

*former*, for a provision of this regulation, means the provision as in force from time to time before the commencement.

*new*, for a provision of this regulation, means the provision as in force from the commencement.

### 359 Levy for 2020–2021 financial year

- (1) New section 67(1) applies to the financial year ending on 30 June 2021 (the *2020–2021 financial year*).
- (2) If, before the commencement, a Kuranda rail operator paid the State an amount of a tourist infrastructure levy imposed during the 2020–2021 financial year under former section 67(1), the amount—
  - (a) is taken to have been paid under new section 67(1) in advance; and
  - (b) must be deducted from the amount that is payable under new section 67(1) for the 2020–2021 financial year.

### 360 Selling land for overdue rates or charges

- (1) This section applies if—
  - (a) before the commencement, the local government decided to sell land under section 140(2); and
  - (b) on the commencement, the land has not been sold or taken to have been sold under section 143(4).
- (2) Former chapter 4, part 12 continues to apply in relation to the sale of the land.

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### **361 Copy of audited financial statements of controlled entities for financial year ending 30 June 2020**

Section 213B does not apply to a local government in relation to the copy of the audited financial statements of a controlled entity of the local government for the financial year ending 30 June 2020.

### **362 Existing notices about resolution to apply strategic contracting procedures**

- (1) This section applies if—
  - (a) before the commencement, a local government published a notice under former section 218(3)(c); and
  - (b) on the commencement, the meeting to which the notice relates has not been held.
- (2) The notice continues in effect as if it were a notice under new section 218(3)(c).

### **363 Existing invitations to tender and invitations for expressions of interest**

- (1) This section applies if—
  - (a) before the commencement, a local government advertised an invitation to tender or invitation for expressions of interest under former section 228(4)(a), 228(5)(a), 231(4)(a), 232(5)(a) or 233(4)(a); and
  - (b) on the commencement, the period for giving a tender or expression of interest in response to the invitation under former section 228, 231, 232 or 233 has not ended.
- (2) The invitation continues in effect as if it were an invitation under new section 228(4)(a), 228(5)(a),

231(4)(a), 232(5)(a) or 233(4)(a).

### 364 Registers of interests of councillors

- (1) A local government must ensure that the extract of the register of interests for each councillor is made available for inspection under new section 295 within 35 days after the commencement.
- (2) Former section 295 continues to apply to the register of interests of a councillor until the local government makes an extract of the register available for inspection under new section 295.

#### 49 Insertion of new sch 5A

After schedule 5—

*insert—*

### Schedule 5A Content of extracts of registers of interests of councillors

section 295(3)

Column 1	Column 2
Interest	Period
a gift mentioned in schedule 5, section 12(1)(a) that is less than \$2,000	(a) the term in which the gift is received; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term

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Column 1	Column 2
Interest	Period
gifts mentioned in schedule 5, section 12(1)(b) that total less than \$2,000	(a) the term in which the gifts first total \$500; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
a gift or gifts mentioned in schedule 5, section 12(1) not mentioned in the above 2 entries	each term the councillor holds office as a councillor
a sponsored travel or accommodation benefit mentioned in schedule 5, section 13 that is less than \$2,000	(a) the term in which the sponsored travel or accommodation benefit is received; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
a sponsored travel or accommodation benefit mentioned in schedule 5, section 13 that is \$2,000 or more	each term the councillor holds office as a councillor
all sponsored travel or accommodation benefits mentioned in schedule 5, section 13 received by a councillor from 1 person during the relevant term for the councillor that total \$2,000 or more	each term the councillor holds office as a councillor

Column 1	Column 2
<b>Interest</b>	<b>Period</b>
a donation mentioned in schedule 5, section 14B(1)(a) that is less than \$2,000	(a) the term in which the donation was made; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
donations mentioned in schedule 5, section 14B(1)(b) that total less than \$2,000	(a) the term in which the donations made first total \$500 or more; and (b) if the councillor holds office for a term (the <i>new term</i> ) starting immediately after the term mentioned in paragraph (a) ends—the new term
a donation or donations mentioned in schedule 5, section 14B(1) not mentioned in the above 2 entries	each term the councillor holds office as a councillor
another interest mentioned in schedule 5	the period for which the councillor holds the interest

## 50 Amendment of sch 8 (Dictionary)

(1) Schedule 8—

*insert—*

***control***, in relation to a controlled entity of a local government, means control within the meaning of the *Auditor-General Act 2009*, section 5.

***controlled entity***, of a local government, means a controlled entity under the *Auditor-General Act 2009*, section 5, subject to the control of—

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- (a) the local government, whether on its own or with 1 or more other entities; or
  - (b) an entity subject to the control of the local government, whether on its own or with 1 or more other entities.
- (2) Schedule 8, definition *pre-qualified supplier*, ‘section 232(7)’—  
*omit, insert—*  
section 232(8)

ENDNOTES

- 1 Made by the Governor in Council on 1 October 2020.
- 2 Notified on the Queensland legislation website on 2 October 2020.
- 3 The administering agency is the Department of Local Government, Racing and Multicultural Affairs.

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