Queensland

LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL 2002

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TABLE OF PROVISIONS

2002

A BILL

FOR

An Act to amend certain local government legislation

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Clause 1 Short title

This Act may be cited as the *Local Government Legislation Amendment Act 2002*.

Clause 2 Commencement

Parts 5 to 7 commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF CITY OF BRISBANE ACT 1924

Clause 3 Act amended in pt 2 and sch

(1) This part amends the *City of Brisbane Act 1924.*

(2) The schedule also includes amendments of the *City of Brisbane Act 1924.*

Clause 4 Replacement of ss 48–59

Sections 48 to 59—

omit, insert—

‘48 Making of rates and charges

‘**(1)** The council must make a general rate or differential general rates for each financial year.

‘**(2)** The council may, for a financial year, make and levy the following—

(a) minimum general rate levies;

(b) separate rates and charges;

(c) special rates and charges;

(d) utility charges.

‘49 How rates and charges are made

‘A rate or charge mentioned in section 48 may only be made for a financial year by resolution at the council’s budget meeting for the year.

‘50 Differential general rate

‘**(1)** Before a differential general rate is made and levied, rateable land must be categorised into 2 or more categories under division 4.

‘**(2)** A differential general rate made and levied on rateable land in a category may be the same as or different to the differential general rate made and levied on land in another category.

‘**(3)** If the council makes and levies a differential general rate for rateable land for a financial year, the council must not make and levy a general rate for the land for the year.

‘**(4)** A differential general rate may be made and levied on a lot under a community titles Act as if it were a parcel of rateable land.

‘**(5)** To remove any doubt, it is declared that a differential general rate may be made and levied on a lot included in a community titles scheme under the *Body Corporate and Community Management Act 1997*.

‘51 Minimum general rate levy

‘**(1)** The council may identify rateable land for the purpose of making and levying a minimum general rate levy in any way it considers appropriate.

‘**(2)** Subject to subsection (3), the council may, for a financial year, make and levy not more than 1 minimum general rate levy on rateable land.

‘**(3)** If the council makes and levies a differential general rate for the financial year, the council—

(a) may make and levy different minimum general rate levies on rateable land in different categories; but

(b) must not make and levy more than 1 minimum general rate levy for rateable land in a category.

'**(4)** The council must not make and levy a minimum general rate levy for a parcel of land if—

(a) the *Valuation of Land Act 1944*, section 25,[1] applies to the parcel; and

(b) under that section, the parcel's discounted valuation period has not ended.

'52 Special rates and charges

'**(1)** The council may make and levy a special rate or charge on rateable land if—

(a) the rate or charge is for a service, facility or activity; and

(b) in the council's opinion—

(i) the land, or the occupier of the land, has or will specially benefit from, or has or will have special access to, the service, facility or activity; or

(ii) the occupier of the land, or the use made or to be made of the land, has or will specially contribute to the need for the service, facility or activity.

Examples for subsection (1)(b)(i)—

A rural fire services charge to raise funds for a rural fire brigade to purchase or maintain equipment to service only part of the city.

A tourism promotion charge levied on land used for businesses that would benefit from tourism promotion in the city.

A recreational facilities charge levied over a 2 year period to contribute to the cost of building playground facilities and amenities in a nominated park in part of the city.

A cultural centre charge levied over an 8 year period to contribute to the cost of building a centre in part of the city, with construction to start within a certain number of years after the charge is first levied.

A charge, levied over a 20 year period, to repay a loan for the construction of a drainage system in part of the city, from which some land would commence receiving a benefit in a year and the remainder in a later year of the 20 year period.

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1 *Valuation of Land Act 1944,* section 25 (Valuation—discounting for subdivided land)

Example for subsection (1)(b)(ii)—

An entity that relies on road transport for its business specially contributes to the wear and tear on a local road adjoining its property and is likely to need a higher standard of road than the occupiers of other properties adjoining the road.

‘**(2)** The special rate or charge may be made and levied on the bases the council considers appropriate.

‘**(3)** The council may fix a minimum amount of a special rate.

‘**(4)** Without limiting subsection (2), the amount of the special rate or charge may vary according to the extent to which the council considers—

(a) the land, or the occupier of the land, has or will specially benefit from, or has or will have special access to, the service, facility or activity; or

(b) the occupier of the land, or the use made or to be made of the land, has or will specially contribute to the need for the service, facility or activity.

‘**(5)** The council’s resolution making the special rate or charge must identify—

(a) the rateable land to which the rate or charge applies; and

(b) the overall plan for the supply of the service, facility or activity.

‘**(6)** The overall plan must—

(a) be adopted by the council by resolution, either before or when it first makes the special rate or charge; and

(b) identify the rateable land to which the rate or charge applies; and

(c) describe the service, facility or activity; and

(d) state the estimated cost of implementing the overall plan; and

(e) state the estimated time for implementing the overall plan.

‘**(7)** Under an overall plan, a special rate or charge may be made and levied for 1 or more years before any of the funds received by the council from the special rate or charge are expended in implementing the plan.

‘**(8)** If an overall plan will not be implemented within 1 year, the council must, at or before the budget meeting for each year of the period for implementing the overall plan, by resolution, adopt an annual implementation plan for the year.

‘**(9)** The council may, by resolution, at any time, amend an overall plan or an annual implementation plan.

‘**(10)** The council may identify parcels of rateable land to which the rate or charge applies in any way it considers appropriate.

‘**(11)** Subsection (1) is taken to have been complied with if the special rate or charge is made and levied on—

(a) all rateable land that, at the time of making and levying the rate or charge, could reasonably be identified as land on which the rate or charge may be made and levied; or

(b) all rateable land on which the rate or charge may be made and levied, other than land accidentally omitted.

‘**(12)** To remove any doubt, it is declared that the council may make and levy a special rate or charge under subsection (1) for a service, facility or activity not supplied by the council itself, including a service, facility or activity supplied or undertaken by another local government—

(a) in the other local government’s area; and

(b) under arrangements entered into, under the *Local Government Act 1993*, section 59,[2] by the council and the other local government.

‘53 Adjustment of special rates and charges

‘**(1)** If more funds are received by the council from a special rate or charge made and levied in a financial year than are expended in carrying out the implementation plan for the year, the council may carry the unexpended funds forward for expending under an implementation plan in a future financial year.

‘**(2)** A special rate or charge is not invalid merely because the council made and levied a special rate or charge on land to which section 52(1)(b) did not apply.

‘**(3)** If the council makes and levies a special rate or charge on land to which section 52(1)(b) does not apply, the council must return the funds received to the person on whom the special rate or charge was levied.

‘**(4)** If the council has funds received from a special rate or charge remaining after an overall plan is implemented, or after the council decides

2 *Local Government Act 1993*, section 59 (Cooperation between local governments)

not to fully implement an overall plan, the council must, as soon as practicable after the plan is implemented or the decision is made, pay the remaining funds, in the same proportions as the special rate or charge was last levied, to the current owners of the land on which the special rate or charge was levied.

‘**(5)** However, subsection (4) does not apply if section 54 applies to the remaining funds.

‘54 Refund of special rates and charges—special circumstances

‘**(1)** This section applies if—

(a) the council decides not to fully implement an overall plan that has been partly implemented; and

(b) the council has funds received from a special rate or charge remaining; and

(c) the plan identifies, for different stages of its implementation, the rateable land, or occupiers of the land, that will benefit from, or have access to, the service, facility or activity.

‘**(2)** As soon as practicable after making the decision, the council must pay the remaining funds, in the reasonable proportions decided by the council by resolution, to the current owners of the land on which the special rate or charge was levied.

‘**(3)** The council must decide the proportions having regard to the following—

(a) the proportions in which the rate or charge has been levied on each parcel of rateable land;

(b) the extent to which the land, or its occupiers, benefits from, or has access to, the service, facility or activity.

‘55 Separate rates and charges

‘**(1)** The council may make and levy a separate rate or charge for a service, facility or activity in the way it considers appropriate.

‘**(2)** The council may fix a minimum amount of a separate rate.

‘**(3)** To remove any doubt, it is declared that the council may make and levy a separate rate or charge for a service, facility or activity whether or not the service, facility or activity is supplied by the council itself.

‘56 Utility charges

‘**(1)** The council may make and levy a utility charge on—

(a) any land, whether vacant or occupied, and whether or not it is rateable land; or

(b) a structure.

‘**(2)** A utility charge may be for—

(a) supplying water, gas or sewerage services; or

(b) supplying cleansing services for occupied land or a structure.

‘**(3)** The council may, under section 57, make and levy a utility charge for supplying water or sewerage services before construction of the facilities for supplying the services is completed.

‘**(4)** A utility charge may be made and levied on the bases the council considers appropriate.

‘**(5)** Without limiting subsection (4), the amounts of utility charges may differ on the basis of—

(a) the use made of particular land, or a particular structure or a class of land or structure; or

(b) the unimproved value of particular land; or

(c) any other circumstances peculiar to the supply of the relevant service to particular land, a particular structure or a class of land or structure.

‘**(6)** To remove any doubt, it is declared that the council may make and levy a utility charge for a service whether or not the service is supplied by the council itself.

‘**(7)** The council may, and it is declared always could, do 1 or more of the following—

(a) make and levy a utility charge for services supplied or to be supplied during part of the financial year and part of another financial year;

(b) make and levy differing charges for services supplied or to be supplied during various periods in 1 or more financial years;

(c) in making and levying differing charges under paragraph (b), decide the way the charges are to be apportioned.

Examples of application of subsection (7)—

1. For water used between 30 April 1998 and 31 July 1998, the council may resolve to charge—
   (a) for water used (as measured) during the period 30 April 1998 to 31 July 1998 on the basis of the charge made at the budget meeting for the 1997–1998 financial year; or
   (b) for water used (as measured) during the period 30 April 1998 to 31 July 1998 on the basis of the charge made at the budget meeting for the 1998–1999 financial year; or
   (c) for—
      (i) water used (as measured) during the period 30 April 1998 to 30 June 1998 on the basis of the charge made at the budget meeting for the 1997–1998 financial year; and
      (ii) water used (as measured) during the period 1 July 1998 to 31 July 1998 on the basis of the charge made at the budget meeting for the 1998–1999 financial year; or
   (d) an apportioned charge for water used during the 2 periods (30 April 1998 to 30 June 1998 and 1 July 1998 to 31 July 1998) on the basis of—
      (i) the total amount of water used (as measured) during the period 30 April 1998 to 31 July 1998—93 days—being apportioned to each period according to the respective lengths of the periods—62 days and 31 days respectively; or
      (ii) another basis set out in the resolution.
2. The council may resolve to charge for water supplied between 1 July 1998 and 30 June 1999—
   (a) for the period 1 July 1998 to 28 February 1999—a flat charge of $300 with an excess charge of $1 per kL of water used greater than 350 kL; and
   (b) for the period 1 March 1999 to 30 June 1999—an amount based on the actual consumption of water during the period.

‘**(8)** Despite subsection (7), the council must not for a financial year make and levy a utility charge for services supplied or to be supplied other than in that, the previous or the next financial year.

‘**(9)** Charges made and levied under a decision under subsection (7) are lawfully made and levied under this Act.

‘**(10)** Subsections (7) to (9) apply despite the reference in sections 48 and 49[3] to the making and levying of rates and charges for a financial year.

3 Sections 48 (Making of rates and charges) and 49 (How rates and charges are made)

‘**(11)** If—

(a) a meter or other measuring device is to be read on a particular day for working out the amount of a charge to be levied by the council for a service; and

(b) the council resolves to apply this subsection to the reading of meters or other measuring devices;

it is taken to have been read on that day if it is read within a period of 2 weeks before or after that day.

Example for subsection (11)—

If the council resolves to apply this subsection to the supply of water that is to be charged on the basis of usage for a period ended 30 April and a meter is read on 10 May, that reading is taken to be the reading at 30 April for the purposes of working out the water usage during the period.

‘**(12)** Subsection (11) does not restrict the council’s power to make local laws relating to other aspects of the administration of metered consumption for a utility service.

Example for subsection (12)—

A local law may be made to provide for water consumption to be estimated on the basis of the best information reasonably available if a water meter is found to be malfunctioning or inoperative during any period of consumption.

‘57 Utility charges for facilities under construction

‘**(1)** The council may, for a financial year, make and levy a utility charge for supplying water or sewerage services before construction of the facilities for supplying the services is completed if, when the charge is made and levied—

(a) either—

(i) construction of the facilities has started; or

(ii) the council intends that construction of the facilities will start during the financial year and has included, in its budget for the year, the funds necessary for construction to start; and

(b) the council reasonably believes the services will be supplied within the next financial year.

‘**(2)** The utility charge is not invalid merely because the services are not supplied within the next financial year because of circumstances beyond the council’s control.

'58 Validity of particular utility charges

'A utility charge made and levied by the council for supplying water or sewerage services is not invalid merely because the council did not comply with the *Local Government Act 1993*, chapter 10.[4]'.

Clause 5 Amendment of s 60 (Levying rates)

(1) Section 60(1), 'A rate must be levied'—

omit, insert—

'The council may levy a rate only'.

(2) Section 60(1)(b), after 'case—'—

insert—

'the person recorded in the council's records as'.

(3) Section 60(2A)(a)—

omit, insert—

'(a) if the council has decided 1 or more discount dates or 1 or more discount periods for payment of the rate—

(i) the discount or information about how the discount is calculated; and

(ii) whether the discount is to be allowed only if either or both of the following amounts are paid before any of the discount dates, or within any of the discount periods, for the rates—

(A) another stated rate; or

(B) an amount, including any interest on the amount, payable for work performed by the council under the *Local Government Act 1993*, section 1066;[5] and'.

Clause 6 Amendment of s 66 (Payment by instalments)

Section 66—

insert—

4 *Local Government Act 1993,* chapter 10 (Reform of certain water and sewerage services)

5 *Local Government Act 1993*, section 1066 (Performing work for owner or occupier)

‘**(5)** An instalment identified in the resolution is taken to have been an overdue rate for the *Local Government Act 1993*, chapter 14, part 7, division 3,[6] from the day it first became an overdue rate if—

(a) the instalment is not paid as required under the resolution; and

(b) the instalment was, before the resolution was made, an overdue rate.’.

Clause 7 Amendment of s 68 (Discount for prompt payment)

(1) Section 68(2)—

insert—

‘(ca) whether the discount is to be allowed only if—

(i) another rate is paid before the discount date, or within the discount period, for the rate or other rate; or

(ii) an amount, including any interest on the amount, is not payable for work performed by the council under the *Local Government Act 1993*, section 1066;[7] and’.

(2) Section 68(2)(ca) and (d)—

renumber as section 68(2)(d) and (e).

Clause 8 Amendment of s 75 (Remission, composition and settlement of rates)

Section 75—

insert—

‘**(5)** A rate identified in the agreement is taken to have been an overdue rate for the *Local Government Act 1993*, chapter 14, part 7, division 3,[8] from the day it first became an overdue rate if—

(a) the rate is not paid as required under the agreement; and

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6 *Local Government Act 1993*, chapter 14 (Rates and charges), part 7 (Recovery of rates), division 3 (Sale of land for overdue rates)

7 *Local Government Act 1993*, section 1066 (Performing work for owner or occupier)

8 *Local Government Act 1993*, chapter 14 (Rates and charges), part 7 (Recovery of rates), division 3 (Sale of land for overdue rates)

(b) the rate was an overdue rate before the agreement was entered into.'.

Clause 9 Amendment of s 76 (Deferment of payment of liability)

Section 76—

insert—

'**(6)** A rate identified in the arrangement is taken to have been an overdue rate for the *Local Government Act 1993*, chapter 14, part 7, division 3,[9] from the day it first became an overdue rate if—

(a) the rate is not paid as required under the arrangement; and

(b) the rate was, before the arrangement was entered into, an overdue rate.'.

Clause 10 Amendment of s 79 (Exercise of concession powers requires owner's application)

(1) Section 79, heading—

omit, insert—

'79 Council may grant particular concessions on owner's application'.

(2) Section 79—

insert—

'**(2)** To remove any doubt it is declared that the council may exercise a power whether or not the rate has been levied.'.

Clause 11 Insertion of new s 79A

After section 79—

insert—

9 *Local Government Act 1993*, chapter 14 (Rates and charges), part 7 (Recovery of rates), division 3 (Sale of land for overdue rates)

'79A Council may grant concessions to classes of land owners

'**(1)** The council may, by resolution, do any of the following for land owners of a class identified in the resolution—

(a) remit, wholly or partly, a rate;

(b) defer payment of a rate until a stated time.

'**(2)** The council may exercise a power under subsection (1) only if it is satisfied the exercise is justified by any of the following factors—

(a) the land owners are—

(i) pensioners; or

(ii) bodies whose objects do not include the making of profit;

(b) payment of the rate would cause the land owners hardship;

(c) the assistance or encouragement of economic development of the whole or part of the city;

(d) the preservation, restoration or maintenance of buildings or places of cultural, environmental, historic, heritage or scientific significance to the city;

(e) a factor prescribed under a regulation.

'**(3)** If the council remits a rate under subsection (1)(a) and a landowner of the class identified in the resolution has already paid the rate, the council must refund the overpaid amount.

'**(4)** A resolution for subsection (1)(b) may provide for any of the following, if the terms applicable to the payment of the rate stated in the resolution are not met—

(a) the application of section 67 to the payment of the rate;

(b) the immediate payment of the rate.

'**(5)** A rate identified in the resolution is taken to have been an overdue rate for the *Local Government Act 1993*, chapter 14, part 7, division 3,[10] from the day it first became an overdue rate if—

(a) the rate is not paid as required under the resolution; and

(b) the rate was an overdue rate before the resolution was made.

10 *Local Government Act 1993*, chapter 14 (Rates and charges), part 7 (Recovery of rates), division 3 (Sale of land for overdue rates)

‘**(6)** The council may exercise a power under subsection (1) for the period—

(a) stated in the resolution; or

(b) without limit of time while the owners of the land continue to be eligible for the benefit conferred by the exercise of the power.

‘**(7)** To remove any doubt, it is declared that the council may exercise the power whether or not the rate has been levied.’.

Clause 12 Amendment of s 80 (Limitation of increase in rate levied)

Section 80(1)—

omit, insert—

‘**(1)** When the council resolves to make and levy a rate, it may also resolve that the amount levied will not be more than—

(a) for all or stated classes of land on which the rate levied for the previous financial year was for the full year—the amount of the rate levied for the previous financial year increased by a stated percentage; or

(b) for land on which the rate levied for the previous financial year was for a period less than the full year—the amount worked out by—

(i) reducing the amount of the rate levied for the previous financial year to a daily amount; and

(ii) multiplying the daily amount by 365.’.

Clause 13 Amendment of s 81 (Establishing criteria and categories)

Section 81, after paragraph (b)—

insert—

‘*Example—*

If the categories decided by the council for rateable land are residential land, commercial and industrial land, grazing and livestock land, rural (sugar cane) land, rural (other) land, sugar milling land and other land, the criteria for the categories might be as follows—

(a) for residential land—land used for residential purposes in particular urban centres, rural localities, park residential estates and coastal villages;

(b) for commercial and industrial land—land used solely for commerce and industry in particular urban centres and rural localities, other than land used for manufacturing sugar or another rural production industry;

(c) for grazing and livestock land—land—

(i) used, for commercial purposes, for grazing and livestock; and

(ii) to which a concession under the *Valuation of Land Act 1944*, section 17(1) applies;

(d) for rural (sugar cane) land—land used for producing sugar cane;

(e) for rural (other) land—land that is not—

(i) in an urban centre or locality; or

(ii) used for grazing and livestock; or

(iii) rural (sugar cane) land or sugar milling land;

(f) for sugar milling land—land used for manufacturing sugar;

(g) for other land—land not mentioned in paragraphs (a) to (f).'.

Clause 14 Amendment of s 85 (Notice to owner of categorisation)

(1) Section 85, from 'A rate notice' to 'is levied'—

omit, insert—

'If the council resolves to make and levy a differential general rate, a rate notice mentioned in subsection (2)'.

(2) Section 85—

insert—

'**(2)** Subsection (1) applies to—

(a) the first rate notice given to the owner of the land during a financial year; and

(b) a later rate notice given to the owner of the land during the financial year only if either of the following has changed since the previous rate notice was given to the owner—

(i) the rating category in which the land is included;

(ii) the owner of the land.

'**(3)** A statement including the information mentioned in subsection (1)(a) to (c) may be contained in or accompany any other rate notice.'.

Clause 15 Insertion of new pt 4, div 1A

After section 106—

insert—

'Division 1A—Revenue policy

'106A Preparation and adoption of revenue policy

'**(1)** The council must, for each financial year, prepare and, by resolution, adopt a revenue policy.

'**(2)** The council must ensure each revenue policy is prepared and adopted in enough time, before the start of the financial year for which it is prepared, to allow preparation and adoption of a budget for the financial year consistent with the policy.

'**(3)** When the policy is adopted by the council, it becomes the council's revenue policy for the financial year for which it is prepared.

'106B Requirements and content of revenue policy

'**(1)** The council's revenue policy, or an amendment of the policy, must comply with financial management standards prescribed under section 127.[11]

'**(2)** The revenue policy must, if, under section 79A,[12] the council intends to remit rates or defer payment of rates for the financial year, state the purpose of the remittance or deferral.

'**(3)** The council may, by resolution, amend its revenue policy for a financial year at any time before the year ends.

'106C Copies of revenue policy to be available for inspection and purchase

'The council must—

(a) ensure its revenue policy is open to inspection; and

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11 Section 127 (Financial management standards)

12 Section 79A (Council may grant concessions to classes of land owners)

(b) make copies available for purchase at its public office at a price not more than the cost to the council of producing the copy and, if a copy is supplied to a purchaser by post, the cost of postage.’.

Clause 16 Amendment of s 108 (Content of budget documents)

(1) Section 108(1)(d)—

omit, insert—

‘(d) be accompanied by the council’s revenue statement for the financial year; and

(da) be developed consistently with the council’s revenue policy; and’.

(2) Section 108(2)(c)—

omit.

Clause 17 Insertion of new ss 109A and 109B

After section 109—

insert—

‘109A Adoption of revenue statement

‘The council must adopt, by resolution, a revenue statement for each financial year before the start of the financial year.

‘109B Requirements and content of revenue statement

‘**(1)** The council’s revenue statement, or an amendment of the statement, must comply with financial management standards prescribed under section 127.[13]

‘**(2)** A revenue statement must state each of the following matters—

(a) if the council makes and levies a differential general rate for the financial year—

(i) the categories into which rateable land in the city is to be categorised; and

13 Section 127 (Financial management standards)

(ii) the criteria by which land is to be categorised;

(b) if the council makes and levies a special rate or charge, for the financial year, for a service, facility or activity supplied by another local government under arrangements entered into under the *Local Government Act 1993*, section 59[14]—a summary of the terms of the arrangements;

(c) if the council fixes a regulatory fee for the financial year—the criteria used to decide the amount of all regulatory fees fixed for the year.

'**(3)** The council may, by resolution, amend its revenue statement for a financial year at any time before the year ends.'.

Clause 18 Amendment of s 119 (Annual report)

Section 119(3), after paragraph (a)—

insert—

'(aa) details of action taken in relation to, and expenditure on, a service, facility or activity—

(i) for which the council made and levied a special rate or charge during the year; and

(ii) supplied by another local government under arrangements entered into under the *Local Government Act 1993*, section 59; and'.

Clause 19 Insertion of new s 136 and new pt 6

After section 135—

insert—

'136 Application of certain provisions

'This Act, as amended by sections 5(3), 7 and 15 to 18 of the *Local Government Legislation Amendment Act 2002*, applies for the financial year beginning on 1 July 2003 and each later financial year.

14 *Local Government Act 1993*, section 59 (Cooperation between local governments)

‘PART 6—TRANSITIONAL PROVISION

‘137 Transitional provision for Local Government Legislation Amendment Act 2002—general charges

‘**(1)** A general charge relating to a matter mentioned in the *Local Government Act 1993*, section 1071A(1)(a) to (d),[15] (a **“prescribed general charge”**) is taken to be a regulatory fee fixed under section 1071A of that Act.

‘**(2)** A general charge that is not a prescribed general charge is taken to be a charge made under section 6A.[16]

‘**(3)** In this section—

“general charge” means a charge fixed by the council under section 59, before the commencement of the *Local Government Legislation Amendment Act 2002*, section 4.[17]’.

PART 3—AMENDMENT OF INTEGRATED PLANNING ACT 1997

Clause 20 Act amended in pt 3

This part amends the *Integrated Planning Act 1997*.

Clause 21 Amendment of s 5.1.5 (Fixing infrastructure charges)

Section 5.1.5(1)—

omit, insert—

‘**(1)** A local government may, in the way stated in this division, fix a charge for the capital cost of a development infrastructure item (an **“infrastructure charge”**).’.

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15 *Local Government Act 1993*, section 1071A (Power to fix regulatory fees)

16 Section 6A (Powers of council)

17 *Local Government Legislation Amendment Act 2002*, section 4 (Replacement of ss 48–59)

PART 4—AMENDMENT OF LOCAL GOVERNMENT ACT 1993

Clause 22 Act amended in pt 4 and sch

(1) This part amends the *Local Government Act 1993.*

(2) The schedule also includes amendments of the *Local Government Act 1993.*

Clause 23 Amendment of s 10 (How local government Acts apply to Brisbane City Council)

Section 10(a)—

insert—

‘(xiv)to a local government’s land record includes a reference to a record of rateable land kept by the Brisbane City Council; and’.

Clause 24 Amendment of s 36 (General powers)

Section 36(2)(c)—

omit, insert—

‘(c) charge for services and facilities it supplies, other than a service or facility for which a regulatory fee may be fixed; and’.

Clause 25 Amendment of s 50 (General powers)

Section 50(2)(c)—

omit, insert—

‘(c) charge for services and facilities it supplies, other than a service or facility for which a regulatory fee may be fixed; and’.

Clause 26 Amendment of s 60F (Powers of joint board)

Section 60F(2)(c)—

omit, insert—

‘(c) charge for services and facilities it supplies, other than a service or facility for which a regulatory fee may be fixed; and’.

Clause 27 Insertion of new ch 7, pt 2A

Chapter 7—

insert—

‘PART 2A—REVENUE POLICY

‘513A Preparation and adoption of revenue policy

‘**(1)** A local government must, for each financial year, prepare and, by resolution, adopt a revenue policy.

‘**(2)** The local government must ensure each revenue policy is prepared and adopted in enough time, before the start of the financial year for which it is prepared, to allow preparation and adoption of a budget for the financial year consistent with the policy.

‘**(3)** When the policy is adopted by the local government, it becomes the local government’s revenue policy for the financial year for which it is prepared.

‘513B Requirements and content of revenue policy

‘**(1)** A local government’s revenue policy, or an amendment of its revenue policy, must comply with the Local Government Finance Standards.

‘**(2)** The revenue policy must, if, under section 1035A[18], the local government intends to remit rates or defer payment of rates for the financial year, state the purpose of the remittance or deferral.

‘**(3)** A local government may, by resolution, amend its revenue policy for a financial year at any time before the financial year ends.

18 Section 1035A (Local government may grant concessions to classes of land owners)

'513C Copies of revenue policy to be available for inspection and purchase

'A local government must—

(a) ensure its revenue policy is open to inspection; and

(b) make copies available for purchase at its public office at a price not more than the cost to the local government of producing the copy and, if a copy is supplied to a purchaser by post, the cost of postage.'.

Clause 28 Amendment of s 518 (Adoption of budget)

(1) Section 518, heading, after '**budget**'—

insert—

'**and revenue statement**'.

(2) Section 518(1)—

omit, insert—

'**(1)** A local government must adopt, by resolution, for each financial year—

(a) a budget for its operating fund; and

(b) a revenue statement.'.

(3) Section 518(2), after 'budget'—

insert—

'and revenue statement'.

Clause 29 Amendment of s 519 (Requirements of budgets)

(1) Section 519(2)(a), 'and operational plan'—

omit, insert—

', operational plan and revenue policy'.

(2) Section 519(2)—

insert—

'(d) must be accompanied by its revenue statement.'.

Clause 30 Amendment of s 520 (Content of operating fund budgets)

Section 520(1)(c)—

omit.

Clause 31 Insertion of new s 520A

After section 520—

insert—

‘520A Requirements and content of revenue statement

‘**(1)** A local government’s revenue statement, or an amendment of the statement, must comply with the Local Government Finance Standards.

‘**(2)** A revenue statement must state each of the following matters—

(a) if the local government makes and levies a differential general rate for the financial year—

(i) the categories into which rateable land in its area is to be categorised; and

(ii) the criteria by which land is to be categorised;

(b) if the local government makes and levies a special rate or charge, for the financial year, for a service, facility or activity supplied by another local government under arrangements entered into under section 59[19]—a summary of the terms of the arrangements;

(c) if the local government fixes a regulatory fee for the financial year—the criteria used to decide the amount of all regulatory fees fixed for the year.

‘**(3)** A local government may, by resolution, amend its revenue statement for a financial year at any time before the year ends.’.

Clause 32 Amendment of s 524 (Budgets to be available for inspection and purchase)

(1) Section 524, heading, after ‘**Budgets**’—

insert—

19 Section 59 (Cooperation between local governments)

‘**and revenue statements**’.

(2) Section 524(2)(a), after ‘budget’—

insert—

‘and its revenue statement’.

Clause 33 Amendment of s 534 (Content of report about other issues of public interest)

(1) Section 534(a)—

omit, insert—

‘(a) details of action taken in relation to, and expenditure on, a service, facility or activity—

(i) for which the local government made and levied a special rate or charge for the financial year; and

(ii) supplied by another local government under arrangements entered into under section 59; and’.

(2) Section 534(e)—

omit, insert—

‘(e) a summary of all rebates and concessions allowed by the local government in relation to rates; and’.

Clause 34 Insertion of new s 854B

Chapter 12, part 1, division 2—

insert—

‘854B Local laws and subordinate local laws about airport landing charges

‘**(1)** To remove any doubt, it is declared that a local government may make a local law or subordinate local law giving the local government power to recover an airport landing charge from the holder of the certificate of registration issued for an aircraft under the *Civil Aviation Regulations 1988* (Cwlth).

‘**(2)** In this section—

"aircraft" has the meaning given by the *Civil Aviation Act 1988* (Cwlth), section 3.[20]

"airport" means an aerodrome within the meaning of the *Civil Aviation Act 1988* (Cwlth), section 3.

"airport landing charge" means a charge made by the local government under section 36[21] or, for the Brisbane City Council, the *City of Brisbane Act 1924*, section 6A,[22] for the landing of an aircraft at an airport owned or operated by the local government.'.

Clause 35 Amendment of s 963 (Power to make and levy rates and charges)

Section 963(2)—

omit.

Clause 36 Amendment of s 967 (Minimum general rate levy)

(1) Section 967(2)—

omit, insert—

'**(2)** Subject to subsection (3) and sections 968 and 969, a local government may, for a financial year, make and levy not more than 1 minimum general rate levy on rateable land.

'**(2A)** However, if a local government makes and levies a differential general rate for the financial year, the local government—

(a) may make and levy different minimum general rate levies on rateable land in different categories; but

(b) must not make and levy more than 1 minimum general rate levy for rateable land in a category.'.

(2) Section 967(2A) and (3)—

renumber as section 967(3) and (4).

20 *Civil Aviation Act 1988* (Cwlth), section 3 (Interpretation)

21 Section 36 (General powers)

22 *City of Brisbane Act 1924*, section 6A (Powers of council)

Clause 37 Amendment of s 971 (Special rates and charges)

(1) Section 971—

insert—

'**(2A)** The local government may fix a minimum amount of a special rate.'.

(2) Section 971(7), from 'whether'—

omit, insert—

'whether or not supplied or undertaken by the local government itself, including a service, facility or activity supplied or undertaken by another local government—

(a) in the other local government's area; and

(b) under arrangements entered into, under section 59,[23] by the local governments.'.

Clause 38 Amendment of s 971A (Adjustment of special rates and charges)

(1) Section 971A(4), after 'must'—

insert—

', as soon as practicable after the plan is implemented or the decision is made,'.

(2) Section 971A—

insert—

'**(5)** However, subsection (4) does not apply if section 971B applies to the remaining funds.'.

Clause 39 Insertion of new s 971B

After section 971A—

insert—

'971B Refund of special rates and charges—special circumstances

'**(1)** This section applies if—

23 Section 59 (Cooperation between local governments)

(a) the local government decides not to fully implement an overall plan that has been partly implemented; and

(b) the local government has funds received from a special rate or charge remaining; and

(c) the plan identifies, for different stages of its implementation, the rateable land, or occupiers of the land, that will benefit from, or have access to, the service, facility or activity.

‘**(2)** As soon as practicable after making the decision, the local government must pay the remaining funds, in the reasonable proportions decided by the local government by resolution, to the current owners of the land on which the special rate or charge was levied.

‘**(3)** The local government must decide the proportions having regard to the following—

(a) the proportions in which the rate or charge has been levied on each parcel of rateable land;

(b) the extent to which the land, or its occupiers, benefits from, or has access to, the service, facility or activity.’.

Clause 40 Amendment of s 972 (Separate rates and charges)

(1) Section 972(1), after ‘activity’—

insert—

‘in the way it considers appropriate’.

(2) Section 972—

insert—

‘**(1A)** The local government may fix a minimum amount of a separate rate.’.

(3) Section 972(1A) and (2)—

renumber as section 972(2) and (3).

Clause 41 Amendment of s 973 (Utility charges)

Section 973(3)—

omit, insert—

‘**(3)** A local government may, under section 973AA, make and levy a utility charge for supplying water or sewerage services before construction of the facilities for supplying the services is completed.’.

Clause 42 Insertion of new s 973AA

After section 973—

insert—

‘973AA Utility charges for facilities under construction

‘**(1)** A local government may, for a financial year, make and levy a utility charge for supplying water or sewerage services before construction of the facilities for supplying the services is completed if, when the charge is made and levied—

(a) either—

(i) construction of the facilities has started; or

(ii) the local government intends that construction of the facilities will start during the financial year and has included, in its budget for the year, the funds necessary for construction to start; and

(b) the local government reasonably believes the services will be supplied within the next financial year.

‘**(2)** The utility charge is not invalid merely because the services are not supplied within the next financial year because of circumstances beyond the local government’s control.’.

Clause 43 Omission of ss 974 and 975

Sections 974 and 975—

omit.

Clause 44 Amendment of s 977 (Establishing criteria and categories)

Section 977, after paragraph (b)—

insert—

‘*Example*—

If the categories decided by a local government for rateable land are residential land, commercial and industrial land, grazing and livestock land, rural (sugar cane) land, rural (other) land, sugar milling land and other land, the criteria for the categories might be as follows—

(a) for residential land—land used for residential purposes in particular urban centres, rural localities, park residential estates and coastal villages;

(b) for commercial and industrial land—land used solely for commerce and industry in particular urban centres and rural localities, other than land used for manufacturing sugar or another rural production industry;

(c) for grazing and livestock land—land—

(i) used, for commercial purposes, for grazing and livestock; and

(ii) to which a concession under the *Valuation of Land Act 1944*, section 17(1) applies;

(d) for rural (sugar cane) land—land used for producing sugar cane;

(e) for rural (other) land—land that is not—

(i) in an urban centre or locality; or

(ii) used for grazing and livestock; or

(iii) rural (sugar cane) land or sugar milling land;

(f) for sugar milling land—land used for manufacturing sugar;

(g) for other land—land not mentioned in paragraphs (a) to (f).’.

Clause 45 Amendment of s 983 (Notice to owner of categorisation)

(1) Section 983(1)—

omit, insert—

‘**(1)** If a local government resolves, for a financial year, to make and levy a differential general rate on land, a rate notice mentioned in subsection (2) must contain or be accompanied by a statement that complies with subsection (3).

‘**(1A)** Subsection (1) applies to—

(a) the first rate notice given to the owner of the land during the financial year; and

(b) a later rate notice given to the owner of the land during the financial year only if either of the following has changed since the previous rate notice was given to the owner—

(i) the rating category in which the land is included;

(ii) the owner of the land.’.

(2) Section 983—

insert—

'**(3)** A statement including the information mentioned in subsection (3) may be contained in or accompany any other rate notice.'.

(3) Section 983(1A) to (3)—

renumber as section 983(2) to (4).

Clause 46 Amendment and relocation of s 997 (Resolution to remove valueless land from land record)

(1) Section 997(1)(b)—

omit, insert—

'(b) the overdue rates total more than—

(i) the unimproved value of the land; or

(ii) the market value of the land; and'.

(2) Section 997(1)(c), before 'the land'—

insert—

'if paragraph (b)(i) applies—'.

(3) Section 997(2), 'part 7, division 4'—

omit, insert—

'this division'.

(4) Section 997—

relocate and *renumber* as section 1051A.

Clause 47 Relocation of s 998 (Restoration of valueless land to land record)

Section 998—

relocate and *renumber* as section 1052A.

Clause 48 Amendment of s 1004 (Notice of sale of land)

Section 1004—

insert—

‘**(4)** A notice mentioned in subsection (3)(a) must state each of the following—

(a) the date of the sale;

(b) the description of the land;

(c) the full name and address of the vendor;

(d) the full name and address of the land’s owner after the sale.’.

Clause 49 Insertion of new s 1006A

After section 1006—

insert—

‘1006A Notice of sale or change in ownership by new owner

‘**(1)** If land is sold or ownership of land changes, the person who becomes the owner of the land immediately after the sale or change (the **“new owner”**), or an agent of the new owner, may give the local government concerned written notice stating each of the following—

(a) the date of the change;

(b) the nature of the change;

(c) the description of the land;

(d) the full name and address of the land’s owner before the change;

(e) the full name and address of the new owner.

‘**(2)** If the local government is satisfied of the sale or change—

(a) it may record the new owner in its land record for levying rates; and

(b) the new owner is the owner of the land for sections 1010 and 1011.’.

Clause 50 Amendment of s 1007 (Result of failure to give notice of change in ownership)

Section 1007(a)—

omit, insert—

‘(a) is liable for payment of all rates levied on the land, and all interest accrued, before the earlier of the following, as if no change in ownership had happened—

(i) the notice is given to the local government;

(ii) the local government records a sale or change in ownership under section 1006A; and’.

Clause 51 Amendment of s 1008 (Levying rates)

(1) Section 1008(1), ‘A rate may be levied’—

omit, insert—

‘A local government may levy a rate’.

(2) Section 1008(1)(b), after ‘case—’—

insert—

‘the person recorded in the local government’s land record as’.

(3) Section 1008(2A)(a)—

omit, insert—

‘(a) if the local government has decided 1 or more discount dates or 1 or more discount periods for payment of the rate—

(i) the discount or information about how the discount is calculated; and

(ii) whether the discount is to be allowed only if either or both of the following amounts are paid before any of the discount dates, or within any of the discount periods, for the rates—

(A) another stated rate; or

(B) an amount, including any interest on the amount, payable for work performed by the local government under section 1066; and’.

Clause 52 Amendment of s 1015 (Payment by instalments)

(1) Section 1015(3), after ‘last day’—

insert—

‘(the **“due date”**)’.

(2) Section 1015(4)—

omit, insert—

'**(4)** However, if the unpaid instalment was an overdue rate before the resolution was made, the unpaid instalment is taken to have been an overdue rate for part 7, division 3,[24] from the day it first became an overdue rate.

'**(5)** Subsection (4) applies despite section 1016.

'**(6)** In this section—

"default day" means the day after the due date.'.

Clause 53 Amendment of s 1016 (Meaning of "overdue rate")

(1) Section 1016, 'or 1032'—

omit, insert—

', 1032 or 1035A'.

(2) Section 1016—

insert—

'(d) the terms stated in a resolution under section 1035A.'.

Clause 54 Amendment of s 1019 (Discount for prompt payment)

(1) Section 1019(2)—

insert—

'(ca) whether the discount is to be allowed only if—

(i) another rate is paid before the discount date, or within the discount period, for the rate or other rate; or

(ii) an amount, including any interest on the amount, is not payable for work performed by the local government under section 1066; and'.

(2) Section 1019(2)(ca) and (d)—

renumber as section 1019(2)(d) and (e).

24 Part 7 (Recovery of rates), division 3 (Sale of land for overdue rates)

Clause 55 Amendment of s 1031 (Remission, composition and settlement of rates)

(1) Section 1031(3), after 'last day'—

insert—

'(the **"due date"**)'.

(2) Section 1031(4)—

omit, insert—

'**(4)** However, if the unpaid amount was an overdue rate before the arrangement was entered into, the unpaid amount is taken to have been an overdue rate for part 7, division 3,[25] from the day it first became an overdue rate.

'**(4A)** Subsection (4) applies despite section 1016.[26]

'**(4B)** For this section—

"default day" means the day after the due date.'.

(3) Section 1031(4A) to (5)—

renumber as section 1031(5) to (7).

Clause 56 Amendment of s 1032 (Deferral of liability to pay rates)

(1) Section 1032(4), after 'last day'—

insert—

'(the **"due date"**)'.

(2) Section 1032(5)—

omit, insert—

'**(5)** However, if the unpaid amount was an overdue rate before the arrangement was entered into, the unpaid amount is taken to have been an overdue rate for part 7, division 3,[27] from the day it first became an overdue rate.

25 Part 7 (Recovery of rates), division 3 (Sale of land for overdue rates)

26 Section 1016 (Meaning of "overdue rate")

27 Part 7 (Recovery of rates), division 3 (Sale of land for overdue rates)

‘**(5A)** Subsection (5) applies despite section 1016.[28]

‘**(5B)** For this section—

“default day” means the day after the due date.’.

(3) Section 1032(5A) to (6)—

renumber as section 1032(6) to (8).

Clause 57 Amendment of s 1035 (Conditions on exercise of concession powers)

Section 1035—

insert—

‘**(3)** To remove any doubt, it is declared that a local government may exercise a power whether or not the rate has been levied.’.

Clause 58 Insertion of new ch 14, pt 6, div 2

After section 1035—

insert—

‘Division 2—Concessions for classes of land owners

‘1035A Local government may grant concessions to classes of land owners

‘**(1)** A local government may, by resolution, do any of the following for land owners of a class identified in the resolution—

(a) remit, wholly or partly, a rate;

(b) defer payment of a rate until a stated time.

‘**(2)** A local government may exercise a power under subsection (1) only if the local government is satisfied the exercise is justified by any of the following circumstances or factors—

(a) the land owners are—

(i) pensioners; or

28 Section 1016 (Meaning of “overdue rate”)

(ii) entities whose objects do not include the making of profit; or

(iii) entities providing assistance or encouragement for the arts or cultural development;

(b) payment of the rate would cause the land owners hardship;

(c) the assistance or encouragement of economic development of the whole or part of the area;

(d) the preservation, restoration or maintenance of structures or places of cultural, environmental, historic, heritage or scientific significance to the local government's area;

(e) circumstances and factors prescribed under a regulation.

'**(3)** If the local government remits a rate under subsection (1)(a) and a landowner of the class identified in the resolution has already paid the rate, the local government must refund the overpaid amount.

'**(4)** A resolution for subsection (1)(b) may provide for any of the following, if an amount identified in the resolution is not paid by the last day (the **"due date"**) of the period stated in the resolution as the period within which the amount is payable—

(a) on the default day, for part 5, division 3[29]—

(i) the unpaid amount becomes an overdue rate; or

(ii) the unpaid amount and all other amounts (the **"remaining amounts"**) the payment of which is provided for under the resolution and that have not been paid become an overdue rate;

(b) the unpaid amount, or the unpaid amount and all remaining amounts, may bear interest as an overdue rate from the default day, or a later day decided by the local government, under section 1018.[30]

'**(5)** However, if the unpaid amount was an overdue rate before the resolution was made, the unpaid amount is taken to have been an overdue rate for part 7, division 3,[31] from the day it first became an overdue rate.

29 Part 5 (Levying and payment of rates), division 3 (Overdue rates)

30 Section 1018 (Overdue rates may bear interest)

31 Part 7 (Recovery of rates), division 3 (Sale of land for overdue rates)

‘**(6)** Subsection (5) applies despite section 1016.[32]

‘**(7)** A local government may exercise a power under subsection (1) for the period—

(a) stated in the resolution; or

(b) without limit of time while the owners of the land continue to be eligible for the benefit conferred by the exercise of the power.

‘**(8)** To remove any doubt, it is declared that a local government may exercise the power whether or not the rate has been levied.

‘**(9)** In this section—

“default day” means the day after the due date.’.

Clause 59 Amendment of s 1036 (Limitation of increase in rate levied)

Section 1036(1)—

omit, insert—

‘**(1)** When a local government resolves to make and levy a rate, it also may resolve that the amount levied will not be more than—

(a) for all or stated classes of land on which the rate levied for the previous financial year was for the full year—

(i) the amount of the rate levied for the previous financial year; or

(ii) the amount of the rate levied for the previous financial year increased by a stated percentage; or

(b) for land on which the rate levied for the previous financial year was for a period less than the full year—the amount worked out by—

(i) reducing the amount of the rate levied for the previous financial year to a daily amount; and

(ii) multiplying the daily amount by 365.’.

32 Section 1016 (Meaning of “overdue rate”)

Clause **60 Insertion of new s 1037A**

Chapter 14, part 7, division 2—

insert—

‘1037A Registering charge over land

‘**(1)** An overdue rate is a charge on the land on which the rate was levied.

‘**(2)** The local government may lodge a request to register the charge in the appropriate form over the land with the registrar of titles.

‘**(3)** The request must be accompanied by a certificate signed by the local government’s chief executive officer stating the overdue rate is a charge over the land under this section.

‘**(4)** The charge is in addition to any other remedy the local government has for recovery of the overdue rate.

‘**(5)** The local government must, as soon as practicable after payment of the overdue rate, lodge with the registrar—

(a) a request to release the charge in the appropriate form; and

(b) a certificate stating that the overdue rate has been paid.’.

Clause **61 Amendment of s 1038 (Recovery by court action)**

(1) Section 1038(1)—

omit, insert—

‘**(1)** Overdue rates may be recovered by a proceeding for debt brought in a court of competent jurisdiction by the local government.’.

(2) Section 1038—

insert—

‘**(4)** If, in a proceeding under subsection (1), the court orders a person against whom judgment is awarded to pay all or part of the local government’s costs, the amount of the costs ordered is, from the date of the judgment, taken to be an overdue rate for section 1037A and division 3.’.

Clause **62 Amendment of s 1039 (Application of division)**

Section 1039, from ‘3 years’—

omit, insert—

'the following period—

(a) for a rate levied on a mining claim—3 months;

(b) for a rate levied on vacant land or land used solely for commercial purposes for which the local government has obtained judgment—1 year;

(c) for another rate—3 years.'.

Clause 63 Amendment of s 1044 (Reserve price at auction)

Section 1044(3)—

omit.

Clause 64 Amendment of s 1051 (Purpose of this division)

Section 1051(1)—

omit, insert—

'**(1)** This division states how a local government may—

(a) remove valueless land from its land record; and

(b) acquire the valueless land.'.

Clause 65 Amendment of s 1068 (Cost of work a charge over land)

Section 1068—

insert—

'**(7)** The local government must, as soon as practicable after payment of the unpaid amount, lodge with the registrar—

(a) a request to release the charge in the appropriate form; and

(b) a certificate stating that the unpaid amount has been paid.'.

Clause 66 Insertion of new ch 15, pt 4, div 2A

Chapter 15, part 4—

insert—

‘Division 2A—Regulatory fees

‘1071A Power to fix regulatory fees

‘**(1)** A local government may, by local law or resolution, fix a fee (a **“regulatory fee”**) for any of the following—

(a) an application for, or the issue of, an approval, consent, licence, permission, registration or other authority under a local government Act;

(b) recording a change of ownership of land;

(c) giving information kept under a local government Act;

(d) seizing property or animals under a local government Act.

‘**(2)** A regulatory fee must not be more than the cost to the local government of providing the service or taking the action for which the fee is charged.

‘**(3)** However, subsection (2) does not apply to the extent the regulatory fee includes a tax component under this division.

‘**(4)** A local government may fix a regulatory fee by resolution even if a corresponding fee had previously been fixed by local law.

‘1071B Regulation may prescribe circumstances in which regulatory fee can include tax

‘**(1)** A regulation may prescribe circumstances in which a regulatory fee mentioned in section 1071A(1)(a) (a **“prescribed regulatory fee”**) may include an amount that is a tax (a **“tax component”**).

‘**(2)** The regulation must state the purposes for which the prescribed regulatory fee may include the tax component.

‘1071C Requirements of local law or resolution fixing regulatory fee including tax component

‘**(1)** A prescribed regulatory fee may include a tax component only—

(a) in the circumstances and for a purpose prescribed under a regulation made under section 1071B; and

(b) if the local government resolves that the purpose of the tax component benefits its local government area.

‘**(2)** The local law or resolution fixing the prescribed regulatory fee must state the amount and purpose of the tax component.

‘1071D Tax component of prescribed regulatory fees applies only to rateable land

‘If a local government fixes a prescribed regulatory fee that includes a tax component and is payable in relation to land, the tax component of the fee applies only in relation to rateable land.

‘1071E Register of regulatory fees

‘**(1)** A local government must keep a register of its regulatory fees.

‘**(2)** The register is open to inspection.

‘**(3)** The register must identify—

(a) for each regulatory fee—the paragraph of section 1071A(1) under which the fee is fixed; and

(b) for a regulatory fee fixed under—

(i) section 1071A(1)(a)—the provision of the local government Act under which the approval, consent, licence, permission, registration or other authority is applied for or issued; or

(ii) section 1071A(1)(c)—the provision of the local government Act under which the information is kept; or

(iii) section 1071A(1)(d)—the provision of the local government Act under which the property or animals are seized.’.

Clause 67 Insertion of new s 1205A

Chapter 18, part 2—

insert—

‘1205A Application of certain provisions

‘This Act, as amended by sections 27 to 33, 51(3) and 54 of the *Local Government Legislation Amendment Act 2002*, applies for the financial year beginning on 1 July 2003 and each later financial year.’.

Clause 68 Insertion of new ch 19, pt 8

Chapter 19—

insert—

‘PART 8—TRANSITIONAL PROVISION FOR LOCAL GOVERNMENT LEGISLATION AMENDMENT ACT 2002

‘1271 Continuation of general charges and former register of general charges

‘**(1)** A general charge relating to a matter mentioned in section 1071A(1)(a) to (d)[33] (a **“prescribed general charge”**) is taken to be a regulatory fee fixed under section 1071A.

‘**(2)** A general charge that is not a prescribed general charge is taken to be a charge made under section 36.[34]

‘**(3)** A local government’s register of general charges is taken to be a register of regulatory fees for section 1071E[35] to the extent it contains a record of a prescribed general charge.

‘**(4)** On or before 31 December 2003, a local government must—

(a) identify each fee or charge that is—

(i) not a prescribed general charge; and

(ii) recorded in its register of regulatory fees; and

(b) remove the records of the identified fees or charges from the register.

‘**(5)** Subsections (3) and (4) apply to the Brisbane City Council.

‘**(6)** In this section—

“general charge” means—

(a) for the Brisbane City Council—a charge fixed by the council under the *City of Brisbane Act 1924*, section 59, before the

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33 Section 1071A (Power to fix regulatory fees)

34 Section 36 (General powers)

35 Section 1071E (Register of regulatory fees)

commencement of the *Local Government Legislation Amendment Act 2002*, section 4;[36] or

(b) for another local government—a charge fixed by a local government under section 974, before the commencement of the *Local Government Legislation Amendment Act 2002*, section 43,[37] for services and facilities supplied by the local government.

"register of general charges" means—

(a) for the Brisbane City Council—the record of general charges kept by the council before the commencement of the *Local Government Legislation Amendment Act 2002*, section 4; or

(b) for any other local government—the register of general charges kept by the local government under section 975, before the commencement of the *Local Government Legislation Amendment Act 2002*, section 43.'.

PART 5—AMENDMENT OF LOCAL GOVERNMENT (CHINATOWN AND THE VALLEY MALLS) ACT 1984

Clause 69 Act amended in pt 5

This part amends the *Local Government (Chinatown and The Valley Malls) Act 1984*.

Clause 70 Amendment of s 3 (Interpretation)

Section 3—

insert—

36 *Local Government Legislation Amendment Act 2002*, section 4 (Replacement of ss 48–59)

37 *Local Government Legislation Amendment Act 2002*, section 43 (Omission of ss 974 and 975)

‘ **“authorised person”** means a person appointed by the council as an authorised person under the *Local Government Act 1993*, chapter 15, part 5.[38]

“operator”, of a vehicle, includes—

(a) the person in whose name the vehicle is registered under the *Transport Operations (Road Use Management) Act 1995* or the Act of another State that corresponds to that Act; and

(b) a person who has the use or control of the vehicle under a hiring agreement, hire purchase agreement or leasing arrangement, other than a driver of the vehicle provided as part of a hiring agreement.’.

Clause **71 Amendment of s 6 (Restricted traffic on mall)**

Section 6, penalty, ‘$500’—

omit, insert—

‘6 penalty units’.

Clause **72 Amendment of s 8 (Closure of road)**

Section 8(3), penalty, ‘$500’—

omit, insert—

‘6 penalty units’.

Clause **73 Insertion of new ss 16–16C**

After section 15—

insert—

‘16 Removal or moving of vehicles in mall area

‘**(1)** This section applies if an authorised person is satisfied on reasonable grounds that—

(a) a vehicle has been—

38 *Local Government Act 1993*, chapter 15 (Provisions aiding local government), part 5 (Enforcement of local government Acts)

(i) abandoned in any part of a mall area; or

(ii) left in a mall area unattended, whether temporarily or otherwise, for a time or in a place, condition, way or circumstances where its presence is hazardous; or

(iii) found in a mall area in a place, condition, way or circumstances where its presence is hazardous or contravenes this Act; and

(b) if paragraph (a)(ii) or (iii) applies—the person who is or appears to be in control of the vehicle—

(i) can not readily be located; or

(ii) has failed to immediately remove the vehicle when required by the authorised person to do so.

‘**(2)** For subsection (1), the presence of a vehicle is hazardous if it is preventing, hindering or obstructing, or is likely to prevent, hinder or obstruct, the use of the mall or a part of the mall for a lawful purpose.

‘**(3)** The authorised person may do any of the following—

(a) remove the vehicle from the mall area and keep it at a safe place;

(b) move the vehicle, with the consent of the person who is or appears to be in control of the vehicle, to another place within the mall area.

Example of ‘move the vehicle’ for paragraph (b)—

Shunting or bumping the vehicle using a modified vehicle that has a padded attachment at the front.

‘16A Notice to operator if vehicle removed from mall area

‘**(1)** Within 14 days after the removal of a vehicle from the mall area under section 16(3)(a), the town clerk must, unless possession of the vehicle has already been delivered under section 16B, give written notice of the vehicle’s removal.

‘**(2)** The notice must be given—

(a) if the operator of the vehicle can be identified—

(i) if practicable, personally or by post to the operator; or

(ii) if subparagraph (i) does not apply—by advertising it in a newspaper circulating in the city; or

(b) if the operator of the vehicle can not be identified—by advertising it in a newspaper circulating in the city.

‘**(3)** However, subsection (2)(b) does not apply if the cost of giving the notice is more than the value of the vehicle.

‘**(4)** The notice must state each of the following—

(a) a description of the vehicle;

(b) the date, time and place the vehicle was removed;

(c) where the vehicle is kept;

(d) how the operator or a person entitled to possession of the vehicle may obtain possession of it;

(e) that the vehicle may be sold if the operator or a person entitled to possession of the vehicle does not obtain possession of it within 28 days after the date the notice is given.

‘16B Requirements for return of vehicle

‘**(1)** The town clerk may deliver possession of the vehicle to a person mentioned in subsection (3) only if—

(a) the person has applied in writing to the town clerk for the release of the vehicle; and

(b) the applicant has provided proof, to the town clerk’s satisfaction—

(i) that the applicant is the operator, or is entitled to possession, of the vehicle; or

(ii) if the applicant is acting on behalf of the operator—of the applicant’s authority to act on behalf of the operator; and

(c) the applicant has paid all reasonable expenses incurred by the council in connection with—

(i) removing and keeping the vehicle; and

(ii) giving a notice about the removal and keeping, or intended sale, of the vehicle; and

(d) the applicant has signed a receipt for the delivery of the vehicle.

‘**(2)** If the town clerk refuses the application, the town clerk must give the applicant written notice stating the following—

(a) the decision;

(b) the reasons for the decision;

(c) that the applicant may appeal against the decision to a Magistrates Court within 28 days;

(d) how the person may appeal against the decision.

‘**(3)** For subsection (1), the persons are as follows—

(a) the operator of the vehicle;

(b) a person acting on behalf of the operator;

(c) a person claiming a right to possession of the vehicle.

‘16C Sale of vehicle removed from mall

‘**(1)** This section applies if—

(a) the town clerk has not delivered possession of the vehicle under section 16B within 28 days after the date notice is given under section 16A; or

(b) each of the following applies—

(i) the town clerk has not delivered possession of the vehicle under section 16B;

(ii) an application has been made under section 16B for the return of the vehicle;

(iii) the town clerk has refused the application;

(iv) the period allowed for an appeal against the decision has ended or the appeal has been decided.

‘**(2)** The town clerk may, by notice published in a newspaper circulating in the city, advertise that the council will offer the vehicle for sale by public auction on the day and at the time and place stated in the advertisement.

‘**(3)** The day stated in the advertisement must not be earlier than 14 days after the day the notice is advertised.

‘**(4)** The council may offer the vehicle for sale by public auction on the day and at the time and place stated in the advertisement.

‘**(5)** If no offer for the vehicle is received at the auction, the council may dispose of the vehicle in the way and on the conditions decided by the town clerk.

‘**(6)** The proceeds of the sale or disposal of the vehicle must be applied as follows—

(a) firstly, in payment of the expenses of the sale or disposal;

(b) secondly, in payment of the costs of—

(i) removing and keeping the vehicle; and

(ii) giving a notice under section 16A;

(c) thirdly—

(i) in payment to the owner of the vehicle; or

(ii) if the owner can not be identified after reasonable inquiry—in payment into the city fund.

‘**(7)** The council may deal with any goods, equipment or thing in or on the vehicle when it is removed in the same way as the council may deal with the vehicle under this section.

‘**(8)** However, any perishable goods in or on the vehicle when it is removed must be disposed of in the way directed by the town clerk.

‘**(9)** Any proceeds of the disposal must be applied in accordance with subsection (6).’.

Clause 74 Insertion of new pt 3A

After section 18—

insert—

‘PART 3A—APPEALS

‘19 Who may appeal

‘A person who is dissatisfied with a decision of the town clerk to refuse to deliver possession of a vehicle to the person under section 16B may appeal against the decision to a Magistrates Court.

‘19A How to start appeal

‘**(1)** An appeal is started by—

(a) filing notice of appeal with the clerk of the court of the Magistrates Court at Brisbane; and

(b) giving a copy of the notice to the council within 7 days after the notice is filed.

‘**(2)** The notice of appeal must be filed within 28 days after the appellant receives notice of the decision.

‘**(3)** The notice of appeal must state fully the grounds of the appeal and the facts relied on.

‘19B Stay of decision

‘**(1)** The Magistrates Court may grant a stay of the decision appealed against to secure the effectiveness of the appeal.

‘**(2)** The stay—

(a) may be given on the conditions the court considers appropriate; and

(b) operates for the period fixed by the court; and

(c) may be revoked or amended by the court.

‘**(3)** The period of the stay must not extend past the time when the court decides the appeal.

‘**(4)** The appeal affects the decision, or carrying out of the decision, only if the decision is stayed.

‘19C Powers of Magistrates Court

‘**(1)** In deciding the appeal, the Magistrates Court—

(a) has the same powers as the town clerk; and

(b) is not bound by the rules of evidence; and

(c) must comply with natural justice.

‘**(2)** The appeal is by way of rehearing unaffected by the decision appealed against on the material before the town clerk and any further evidence allowed by the court.

‘**(3)** The court may—

(a) confirm the decision; or

(b) set aside the decision and substitute another decision; or

(c) set aside the decision and return the issue to the town clerk with the directions the court considers appropriate.

‘19D Effect of Magistrates Court’s decision

‘If the Magistrates Court substitutes another decision, the substituted decision is, for this Act, other than this part, taken to be the decision of the town clerk.

‘19E Appeal to District Court

‘An appeal to the District Court from a decision of the Magistrates Court may be made only on a question of law.’.

Clause 75 Omission of pt 5 (Recovery of penalties by notices)

Part 5—

omit.

Clause 76 Amendment of s 39 (Appeal against council’s decision etc.)

Section 39(1)(a), ‘, other than part 5,’—

omit.

Clause 77 Insertion of new s 47

Part 6—

insert—

‘47 References in local law to authorised officer

‘**(1)** A reference in a local law in force immediately before the repeal provision commences to a person who is an authorised officer for part 5 is taken to be a reference to an authorised person.

‘**(2)** This section expires 2 years after the day the repeal provision commences.

‘**(3)** In this section—

"repeal provision" means the *Local Government Legislation Amendment Act 2002*, section 75.[39]'.

PART 6—AMENDMENT OF LOCAL GOVERNMENT (QUEEN STREET MALL) ACT 1981

Clause 78 Act amended in pt 6

This part amends the *Local Government (Queen Street Mall) Act 1981*.

Clause 79 Amendment of s 3 (Interpretation)

Section 3—

insert—

' **"authorised person"** means a person appointed by the council as an authorised person under the *Local Government Act 1993*, chapter 15, part 5.[40]

"operator", of a vehicle, includes—

(a) the person in whose name the vehicle is registered under the *Transport Operations (Road Use Management) Act 1995* or the Act of another State that corresponds to that Act; and

(b) a person who has the use or control of the vehicle under a hiring agreement, hire purchase agreement or leasing arrangement, other than a driver of the vehicle provided as part of a hiring agreement.'.

Clause 80 Amendment of s 6 (Restricted traffic on mall)

Section 6, penalty, '$500'—

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39 *Local Government Legislation Amendment Act 2002*, section 75 (Omission of pt 5 (Recovery of penalties by notices))

40 *Local Government Act 1993*, chapter 15 (Provisions aiding local government), part 5 (Enforcement of local government Acts)

omit, insert—

‘6 penalty units’.

Clause 81 Amendment of s 8 (Offence to contravene notification)

Section 8, penalty, ‘$500’—

omit, insert—

‘6 penalty units’.

Clause 82 Insertion of new ss 11–11C

After section 10—

insert—

‘11 Removal or moving of vehicles in mall area

‘**(1)** This section applies if an authorised person is satisfied on reasonable grounds that—

(a) a vehicle has been—

(i) abandoned in any part of the mall area; or

(ii) left in the mall area unattended, whether temporarily or otherwise, for a time or in a place, condition, way or circumstances where its presence is hazardous; or

(iii) found in the mall area in a place, condition, way or circumstances where its presence is hazardous or contravenes this Act; and

(b) if paragraph (a)(ii) or (iii) applies—the person who is or appears to be in control of the vehicle—

(i) can not readily be located; or

(ii) has failed to immediately remove the vehicle when required by the authorised person to do so.

‘**(2)** For subsection (1), the presence of a vehicle is hazardous if it is preventing, hindering or obstructing, or is likely to prevent, hinder or obstruct, the use of the mall or a part of the mall for a lawful purpose.

‘**(3)** The authorised person may do any of the following—

(a) remove the vehicle from the mall area and keep it at a safe place;

(b) move the vehicle, with the consent of the person who is or appears to be in control of the vehicle, to another place within the mall area.

Example of 'move the vehicle' for paragraph (b)—

Shunting or bumping the vehicle using a modified vehicle that has a padded attachment at the front.

'11A Notice to operator if vehicle removed from mall area

'**(1)** Within 14 days after the removal of a vehicle from the mall area under section 11(3)(a), the town clerk must, unless possession of the vehicle has already been delivered under section 11B, give written notice of the vehicle's removal.

'**(2)** The notice must be given—

(a) if the operator of the vehicle can be identified—

(i) if practicable, personally or by post to the operator; or

(ii) if subparagraph (i) does not apply—by advertising it in a newspaper circulating in the city; or

(b) if the operator of the vehicle can not be identified—by advertising it in a newspaper circulating in the city.

'**(3)** However, subsection (2)(b) does not apply if the cost of giving the notice is more than the value of the vehicle.

'**(4)** The notice must state each of the following—

(a) a description of the vehicle;

(b) the date, time and place the vehicle was removed;

(c) where the vehicle is kept;

(d) how the operator or a person entitled to possession of the vehicle may obtain possession of it;

(e) that the vehicle may be sold if the operator or a person entitled to possession of the vehicle does not obtain possession of it within 28 days after the date the notice is given.

‘11B Requirements for return of vehicle

‘**(1)** The town clerk may deliver possession of the vehicle to a person mentioned in subsection (3) only if—

(a) the person has applied in writing to the town clerk for the release of the vehicle; and

(b) the applicant has provided proof, to the town clerk’s satisfaction—

(i) that the applicant is the operator, or is entitled to possession, of the vehicle; or

(ii) if the applicant is acting on behalf of the operator—of the applicant’s authority to act on behalf of the operator; and

(c) the applicant has paid all reasonable expenses incurred by the council in connection with—

(i) removing and keeping the vehicle; and

(ii) giving a notice about the removal and keeping, or intended sale, of the vehicle; and

(d) the applicant has signed a receipt for the delivery of the vehicle.

‘**(2)** If the town clerk refuses the application, the town clerk must give the applicant written notice stating the following—

(a) the decision;

(b) the reasons for the decision;

(c) that the applicant may appeal against the decision to a Magistrates Court within 28 days;

(d) how the person may appeal against the decision.

‘**(3)** For subsection (1), the persons are as follows—

(a) the operator of the vehicle;

(b) a person acting on behalf of the operator;

(c) a person claiming a right to possession of the vehicle.

‘11C Sale of vehicle removed from mall

‘**(1)** This section applies if—

(a) the town clerk has not delivered possession of the vehicle under section 11B within 28 days after the date notice is given under section 11A; or

(b) each of the following applies—

(i) the town clerk has not delivered possession of the vehicle under section 11B;

(ii) an application has been made under section 11B for the return of the vehicle;

(iii) the town clerk has refused the application;

(iv) the period allowed for an appeal against the decision has ended or the appeal has been decided.

‘**(2)** The town clerk may, by notice published in a newspaper circulating in the city, advertise that the council will offer the vehicle for sale by public auction on the day and at the time and place stated in the advertisement.

‘**(3)** The day stated in the advertisement must not be earlier than 14 days after the day the notice is advertised.

‘**(4)** The council may offer the vehicle for sale by public auction on the day and at the time and place stated in the advertisement.

‘**(5)** If no offer for the vehicle is received at the auction, the council may dispose of the vehicle in the way and on the conditions decided by the town clerk.

‘**(6)** The proceeds of the sale or disposal of the vehicle must be applied as follows—

(a) firstly, in payment of the expenses of the sale or disposal;

(b) secondly, in payment of the costs of—

(i) removing and keeping the vehicle; and

(ii) giving a notice under section 11A;

(c) thirdly—

(i) in payment to the owner of the vehicle; or

(ii) if the owner can not be identified after reasonable inquiry—in payment into the city fund.

‘**(7)** The council may deal with any goods, equipment or thing in or on the vehicle when it is removed in the same way as the council may deal with the vehicle under this section.

‘**(8)** However, any perishable goods in or on the vehicle when it is removed must be disposed of in the way directed by the town clerk.

‘**(9)** Any proceeds of the disposal must be applied in accordance with subsection (6).’.

Clause 83 Insertion of new pt 3A

After section 13—

insert—

‘PART 3A—APPEALS

‘13A Who may appeal

‘A person who is dissatisfied with a decision of the town clerk to refuse to deliver possession of a vehicle to the person under section 11B may appeal against the decision to a Magistrates Court.

‘13B How to start appeal

‘**(1)** An appeal is started by—

(a) filing notice of appeal with the clerk of the court of the Magistrates Court at Brisbane; and

(b) giving a copy of the notice to the council within 7 days after the notice is filed.

‘**(2)** The notice of appeal must be filed within 28 days after the appellant receives notice of the decision.

‘**(3)** The notice of appeal must state fully the grounds of the appeal and the facts relied on.

‘13C Stay of decision

‘**(1)** The Magistrates Court may grant a stay of the decision appealed against to secure the effectiveness of the appeal.

‘**(2)** The stay—

(a) may be given on the conditions the court considers appropriate; and

(b) operates for the period fixed by the court; and

(c) may be revoked or amended by the court.

‘**(3)** The period of the stay must not extend past the time when the court decides the appeal.

‘**(4)** The appeal affects the decision, or carrying out of the decision, only if the decision is stayed.

‘13D Powers of Magistrates Court

‘**(1)** In deciding the appeal, the Magistrates Court—

(a) has the same powers as the town clerk; and

(b) is not bound by the rules of evidence; and

(c) must comply with natural justice.

‘**(2)** The appeal is by way of rehearing unaffected by the decision appealed against on the material before the town clerk and any further evidence allowed by the court.

‘**(3)** The court may—

(a) confirm the decision; or

(b) set aside the decision and substitute another decision; or

(c) set aside the decision and return the issue to the town clerk with the directions the court considers appropriate.

‘13E Effect of Magistrates Court’s decision

‘If the Magistrates Court substitutes another decision, the substituted decision is, for this Act, other than this part, taken to be the decision of the town clerk.

‘13F Appeal to District Court

‘An appeal to the District Court from a decision of the Magistrates Court may be made only on a question of law.’.

Clause 84 Omission of pt 5 (Recovery of penalties by notices)

Part 5—

omit.

Clause 85 Amendment of s 33 (Appeal against council's decision etc.)

Section 33(1)(a), ', other than part 5,'—

omit.

Clause 86 Insertion of new s 40

After section 39—

insert—

'40 References in local law to authorised officer

'**(1)** A reference in a local law in force immediately before the repeal provision commences to a person who is an authorised officer for part 5 is taken to be a reference to an authorised person.

'**(2)** This section expires 2 years after the day the repeal provision commences.

'**(3)** In this section—

"repeal provision" means the *Local Government Legislation Amendment Act 2002*, section 84.[41]'.

PART 7—REPEAL

Clause 87 Repeal of Local Government (Malls) Regulation 2000

The *Local Government (Malls) Regulation 2000* is repealed.

41 *Local Government Legislation Amendment Act 2002*, section 84 (Omission of pt 5 (Recovery of penalties by notices))

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

sections 3(2) and 22(2)

CITY OF BRISBANE ACT 1924

1 Section 2, definitions "differential general rate", "general charge", "general rate", "minimum general rate levy", "separate rate or charge" and "utility charge"—

omit.

2 Section 2—

insert—

' **"cleansing services"** includes services for the removal of refuse or recycleable material.

"community titles Act" means any of the following—

(a) the *Building Units and Group Titles Act 1980*;

(b) the *Integrated Resort Development Act 1987*;

(c) the *Mixed Use Development Act 1993*;

(d) another Act prescribed under a regulation.

"differential general rate" means a rate, other than a special rate, made and levied equally on the unimproved value of all rateable land in the city included in a category decided by the council in levying the rate.

"general rate" means a rate, other than a separate rate, made and levied by the council equally on the unimproved value of all rateable land in the city.

"minimum general rate levy" means an amount fixed as the minimum amount payable as a general rate or differential general rate for all or any rateable land in the city.

SCHEDULE (continued)

"regulatory fee" means a fee fixed under the *Local Government Act 1993*, section 1071A.[42]

"separate charge" means a charge made and levied by the council equally on all rateable land in the city.

"separate rate" means a rate made and levied by the council equally on the unimproved value of all rateable land in the city.

"special charge" means a charge made and levied by the council on some, but not all, rateable land in the city.

"special rate" means a rate made and levied by the council on the unimproved value of some, but not all, rateable land in the city.

"utility charge" means a charge for the supply by the council of water, sewerage or cleansing services to any land, building or structure in the city.'.

3 Section 3A(2), last dot point, 'and part 7'—

omit, insert—

', part 7 and part 8, section 1271(3) and (4)'.

LOCAL GOVERNMENT ACT 1993

1 Section 6(3)(a)(iv)—

omit, insert—

'(iv) the making or levying of a rate, or the fixing of a regulatory fee, by the local government; or'.

2 Section 9(2), last dot point—

omit, insert—

42 *Local Government Act 1993*, section 1071A (Power to fix regulatory fees)

SCHEDULE (continued)

‘• chapter 19, part 1, division 4, part 5, part 7 and part 8, section 1271(3) and (4).’.

3 Section 60R(1), ‘• sections 974 (other than subsection (1)(f)) and 975’—

omit.

4 Section 60R(1)—

insert—

‘• section 1271.’.

5 Section 964, ‘963(1)’—

omit, insert—

‘963’.

6 Section 999, ‘997’—

omit, insert—

‘1051A’.

7 Chapter 14, part 6, before section 1031—

insert—

‘Division 1—Concessions for individual land owners’.

8 Section 1035, heading, after ‘powers’—

insert—

‘**under div 1**’.

SCHEDULE (continued)

9 Chapter 14, part 6, before section 1036—

insert—

'Division 3—Limitation on rate increases'.

10 Chapter 14, part 7, division 2, heading—

omit, insert—

'Division 2—Registering charges for, and recovery of, overdue rates'.

11 Sections 1193R(e)(ii) and 1193ZI(c)(i), 'charge fixed under section 974'—

omit, insert—

'fee fixed under section 1071A'.

12 Schedule, definition "general charge"—

omit.

13 Schedule—

insert—

' **"improved value"**, for land, means the amount the land and fixed improvements on the land would be worth if—

(a) there were an exchange between a willing buyer and a willing seller in an arms-length transaction after proper marketing; and

(b) the parties had acted knowledgeably, prudently and without compulsion.

"market value", of land for chapter 14, means the improved value of the land obtained by the local government from a valuer registered under the *Valuers Registration Act 1992* who is not an employee of the local government.

"prescribed regulatory fee" see section 1071B(1).

SCHEDULE (continued)

“regulatory fee” see section 1071A(1).

“tax component” see section 1071B(1).’.

14 Schedule, definition “rating category”, ‘983(2)(a)’—

omit, insert—

‘983(3)(a)’.