

Queensland



**LOCAL GOVERNMENT
LEGISLATION
AMENDMENT ACT 1993**

Act No. 8 of 1993

Queensland



LOCAL GOVERNMENT LEGISLATION AMENDMENT ACT 1993

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
PART 2—AMENDMENT OF CITY OF BRISBANE ACT 1924		
2	Amended Act	4
3	Replacement of s.4 (Area declared a City)	4
4	City of Brisbane	4
4	Replacement of s.36A (Construction by the Council of bridges across tidal rivers, etc.)	5
	36A Bridges	5
5	Omission of s.129 (Provision for enlargement of the City)	6
6	Omission of Schedule 1 (Boundaries of the City)	6
PART 3—AMENDMENT OF LOCAL GOVERNMENT ACT 1936		
7	Amended Act	6
8	Amendment of s.4F (Meaning of “reviewable local government matter”)	6
9	Amendment of s.4H (Functions of Commissioner)	7
10	Amendment of s.4L (Assessment of impact of certain proposals)	9
11	Replacement of s.4N (Inquiries by Commissioner)	9
	4N Inquiries by Commissioner	9
12	Omission of heading before s.5 (Areas)	9
13	Amendment of s.5 (Classes of Areas)	10
14	Insertion of new ss.5A–5C	11
	5A Classes of areas	11

5B	Existing instruments	11
5C	References to instruments under s.5	11
15	Omission of heading before s.8 (New elections)	12
16	Omission of s.8 (New elections on change in boundaries or number of members)	12
17	Amendment of s.8A (Extension of term of Council elected at fresh election)	12
18	Omission of heading before s.19 (Contracts)	12
19	Amendment of s.19 (Local Authority may enter into contracts)	12

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**Local Government Legislation Amendment
Act 1993**

Act No. 8 of 1993

An Act to amend the *City of Brisbane Act 1924* and the *Local Government Act 1936*

[Assented to 26 March 1993]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Local Government Legislation Amendment Act 1993*.

PART 2—AMENDMENT OF CITY OF BRISBANE ACT 1924

Amended Act

2. The *City of Brisbane Act 1924* is amended as set out in this Part.

Replacement of s.4 (Area declared a City)

3. Section 4—

omit, insert—

‘City of Brisbane

‘4.(1) The area of the City of Brisbane continues to be a city under the name City of Brisbane.

‘(2) The boundaries of the City are the boundaries of the City immediately before the commencement of the *Local Government Legislation Amendment Act 1993*, as subsequently varied under section 5 of the Local Government Act.’

Replacement of s.36A (Construction by the Council of bridges across tidal rivers, etc.)**4. Section 36A—***omit, insert—***‘Bridges****‘36A.(1)** This section applies to a bridge if it—

- (a) crosses a tidal river, creek or stream or other tidal water; and
- (b) has 1 or both ends in the City.

‘(2) The Council may construct bridges and their approaches.**‘(3)** The Council may assume responsibility from other persons for bridges and their approaches.**‘(4)** The Council may renew, modify, extend or enlarge a bridge (**“Council bridge”**)—

- (a) that it controlled immediately before the commencement of this section; or
- (b) that it constructs under subsection (2); or
- (c) for which it assumes responsibility under subsection (3).

‘(5) In acting under subsections (2), (3) and (4), the Council must ensure that the requirements of section 86 of the *Harbours Act 1955* that apply to the bridge are complied with.**‘(6)** Without limiting section 36, the Council may maintain, manage, control and regulate the use of a Council bridge.**‘(7)** If only 1 end of a Council bridge is within the City, the Council must ensure that the following restrictions, conditions and terms are complied with in relation to the bridge—

- (a) restrictions, conditions and terms fixed by the Governor in Council before the commencement of this section;
- (b) restrictions and terms fixed by regulation after the commencement.

‘(8) Subject to any applicable restriction, condition or term mentioned in subsection (7)—

- (a) ordinances apply to a Council bridge as if the whole of the bridge were within the City; and
- (b) the whole of the bridge is taken, for the purposes of any Act, to be a road within the City.

‘(9) Section 52(9)(i) of the Local Government Act applies to a Council bridge.’.

Omission of s.129 (Provision for enlargement of the City)

5. Section 129—

omit.

Omission of Schedule 1 (Boundaries of the City)

6. Schedule 1—

omit.

PART 3—AMENDMENT OF LOCAL GOVERNMENT ACT 1936

Amended Act

7. The *Local Government Act 1936* is amended as set out in this Part.

Amendment of s.4F (Meaning of “reviewable local government matter”)

8.(1) Section 4F(1)(a) and (aa)—

omit, insert—

- ‘(a) creating a new area, including, for example, creating a new area from—
 - (i) 2 or more areas that are abolished; or

- (ii) an area that is abolished and a part of another area; or
- (iii) a part of an area that is excluded from the area; or
- (iv) a part of the State that is not part of an area;

(aa) naming a new area;’.

(2) Section 4F(1)(b)—

omit ‘or other areas’.

(3) Section 4F(1)(e)—

omit, insert—

‘(e) abolishing an area and merging the area with another area;’.

(4) Section 4F(1)(g)(i)—

omit ‘or other divisions’.

(5) Section 4F(1)(g)(ii)—

omit ‘or divisions’.

(6) After section 4F(1)(k)—

insert—

‘(l) anything else relating to local government declared by regulation to be a reviewable local government matter.

‘(1A) A reference in this Act to a reviewable local government matter includes a reference to—

- (a) any aspect of a matter mentioned in subsection (1); and
- (b) a particular proposal in relation to a matter, or any aspect of a matter, mentioned in subsection (1).’.

Amendment of s.4H (Functions of Commissioner)

9. After section 4H(2)—

insert—

‘(3) A reference may, for example, deal with—

- (a) a reviewable local government matter and another matter relating to local government; or

- (b) a local government matter that includes a reviewable local government matter.

‘(4) A reference need not separately identify any reviewable local government matter dealt with in, or included in a local government matter dealt with in, the reference.

‘(5) A reference may deal with any local government matter in—

- (a) general or specific terms; or
- (b) a combination of general and specific terms.

‘(6) A reference may specify in any way a local government matter that is referred to the Commissioner.

‘(7) A reference may, for example, specify a local government matter by—

- (a) naming the local authorities that the reference directly concerns; or
- (b) describing in a suitable way the geographical area to which the reference relates; or
- (c) specifying with reasonable certainty things that are, or are not, included in the reference.

Examples of suitable ways of describing a geographical area—

1. By reference to real property descriptions.
2. By reference to a map or plan held by a person, department or body, or a particular entry in a register kept by a person, department or body, if the map, plan or register is available for inspection by members of the public.
3. By reference to a region of the State that is identified, or can be ascertained, with reasonable certainty.
4. By reference to areas of named local authorities.
5. By reference to a part of the area of a named local authority that is identified, or can be ascertained, with reasonable certainty.
6. By reference to a report of the Parliamentary Committee for Electoral and Administrative Review (the “**Parliamentary Committee**”).

‘(8) A reference may also, for example, refer to the Commissioner

anything relating to local government mentioned in a report of the Parliamentary Committee.

‘(9) A reference may make the reference of a local government matter contingent on the recommendations that the Commissioner proposes to make on another local government matter.

‘(10) In subsections (5) to (9)—

“**local government matter**” includes a reviewable local government matter.’.

Amendment of s.4L (Assessment of impact of certain proposals)

10. Section 4L (at the end)—

insert—

‘(e) anything else prescribed by regulation.’.

Replacement of s.4N (Inquiries by Commissioner)

11. Section 4N—

omit, insert—

‘Inquiries by Commissioner

‘**4N.(1)** The Commissioner may hold an inquiry for the purpose of a reference that deals with a reviewable local government matter (whether or not it also deals with, or is included in, another matter relating to local government).

‘**(2)** Before starting the inquiry, the Commissioner must publish a notice outlining the processes that will be followed in the inquiry in a newspaper circulating in the areas directly concerned in the reference.’.

Omission of heading before s.5 (Areas)

12. Heading before section 5—

omit.

Amendment of s.5 (Classes of Areas)

13.(1) Section 5(1)—

omit, insert—

‘Implementation of reviewable local government matter

‘5.(1) A reviewable local government matter may be implemented by regulation.

‘Facilitating provisions of regulation

‘(2) A regulation for implementing a reviewable local government matter may include provisions with respect to—

- (a) holding a fresh election for an area or a division of an area; and
- (b) appointing a returning officer for a fresh election; and
- (c) the recovery of unpaid rates, charges and levies; and
- (d) the application of budgets; and
- (e) delivering or retaining records; and
- (f) the matters that the Commissioner is required to examine, and report and make recommendations to the Minister on, under section 4L; and
- (g) the giving of directions by the Governor in Council or the Minister with respect to any matter; and
- (h) any other matter for which—
 - (i) it is necessary or convenient to make provision to facilitate the implementation of the reviewable local government matter; and
 - (ii) this Act does not make provision or sufficient provision.

‘(3) Subsections (1) and (2) do not apply to determining or changing the system of voting for the local authority of an area.’.

(2) Section 5(1G)—

omit ‘(1A)’, insert ‘(4)’.

(3) Section 5(1H)—

omit ‘(1A)’, insert ‘(4)’.

(4) Section 5(1L)—

omit ‘Section 5(1A) to (1K) applies’,

insert ‘Subsections (4) to (14) apply’.

(5) Section 5(1A) to (1M)—

renumber as section 5(4) to (16) respectively.

(6) Section 5(1N) (**Order in Council**)—

omit.

(7) Section 5(2)—

omit.

Insertion of new ss.5A–5C

14. After section 5—

insert—

‘Classes of areas

‘5A. An area may be 1 of the following classes—

- (a) a city;
- (b) a town;
- (c) a shire.

‘Existing instruments

‘5B. An order in council or proclamation in force under section 5 immediately before the commencement of this section continues to have effect after the commencement, and may be repealed or amended, as if it were a regulation.

‘References to instruments under s.5

‘5C. A reference in this Act to an order in council under section 5 includes a reference to a regulation under the section, and a reference in this

Act to a regulation under section 5 includes a reference to an order in council under the section.’.

Omission of heading before s.8 (New elections)

15. Heading before section 8—

omit.

Omission of s.8 (New elections on change in boundaries or number of members)

16. Section 8—

omit.

Amendment of s.8A (Extension of term of Council elected at fresh election)

17.(1) Section 8A(a)—

omit ‘8’, insert ‘a regulation made for the purposes of section 5’.

(2) Section 8A—

omit ‘direct by Order in Council’, insert ‘, by regulation, direct’.

Omission of heading before s.19 (Contracts)

18. Heading before section 19—

omit.

Amendment of s.19 (Local Authority may enter into contracts)

19. After section 19(6)(b)—

insert—

‘(ba)the grant or sale of an interest in land (other than the sale of an estate in fee simple) by the local authority to a person empowered by a State or Commonwealth Act to provide a public utility

service, or a person declared by regulation to be a provider of a public utility service for the purposes of this section;’.