

Queensland



Local Government Act 1993

LOCAL GOVERNMENT REGULATION 1994

**Reprinted as in force on 1 August 1995
(includes amendments up to SL No. 104 of 1995)**

Reprint No. 2

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Information about this reprint

This regulation is reprinted as at 1 August 1995. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- reorder definitions consistent with current drafting practice (s 30)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 37)
- number and renumber certain provisions and references (s 43).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of previous reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Queensland



LOCAL GOVERNMENT REGULATION 1994

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LOCAL GOVERNMENT REGULATION 1994

[as amended by all amendments that commenced on or before 1 August 1995]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Local Government Regulation 1994*.

Definition

3. In this regulation—

“approved form” means a form approved under section 45 (Chief executive may approve forms).

Meaning of “pensioner”—Act, s 4

4. For the purposes of the definition **“pensioner”**, each pension under a law of the Commonwealth is prescribed.

Meaning of “State office”—Act, s 4

5. **“State office”** of the department means—

Local Government Services
Department of Housing, Local Government and Planning
Floor 11
126 Margaret Street
BRISBANE 4000.

PART 2—THE LOCAL GOVERNMENT SYSTEM

Criteria for cities and towns—Act, s 18

6.(1) The criteria for a local government area to be declared a city are—

- (a) the area must be the centre of a region that provides commercial, industrial, health and public sector services for the region; and
- (b) the area must, for the 3 years immediately before the declaration, have had—
 - (i) a population of at least 25 000; and
 - (ii) a population of at least 15 000 in its urban centre; and
 - (iii) a population density of at least 150 for each square kilometre of its urban centre.

(2) The criterion for a local government area to be declared a town is the area must be urban in character.

Example of an area that is urban in character—

An area may be mainly used for commercial and residential purposes. It would be urban in character even though some minor parts of the area are used for rural purposes.

PART 3—INTERACTION WITH THE STATE

Meaning of “joint arrangement”

7. In this part—

“joint arrangement” includes—

- (a) a joint standing committee; and
- (b) joint action by agreement; and
- (c) the joint exercise of local government jurisdiction or the joint operation of a facility, service or activity; and
- (d) an agreement on, or extension of, a facility, service or activity

- outside a local government area; and
- (e) a contribution for the operation of a facility, service or activity outside a local government area; and
- (f) resource sharing by local governments; and
- (g) a joint local government; and
- (h) any other type of joint arrangement the commissioner considers appropriate including an arrangement not dealt with under the Act.

Principles and criteria when external boundaries may be affected—Act, s 75

8. The matters specified in schedule 1 are the principles and criteria to which the commissioner must have regard when considering a reviewable local government matter that could affect the external boundaries of a local government area.

Criteria for considering referred matters about external boundaries of areas—Act, s 75

9. When considering whether or not the external boundaries of a local government area should be changed, the commissioner must have regard to whether or not a joint arrangement should be established instead of, or in combination with, a change to the external boundaries of the local government area.

Aims of joint arrangements

10. The aims of a joint arrangement must be 1 or more of the following—

- (a) to increase a local government's efficiency in exercising its jurisdiction and in operating a facility, service or activity;
- (b) to help in the planning and development of a local government area;
- (c) to enable the needs of a local government area to be met;
- (d) to achieve and maintain effective representation of the local

governments involved.

Application of joint arrangements

11. A joint arrangement may—

- (a) apply to the whole or a part of a local government area; or
- (b) include local governments even if they were not mentioned in the reference by the Minister.

Contents of agreements about joint arrangements

12.(1) Every agreement between local governments about a joint arrangement must include the following—

- (a) a statement of the agreement's objectives;
- (b) the aims of the joint arrangement;
- (c) procedures for amending the agreement if there are changes in a formula used in the agreement (for example, funding, or contribution, based on population);
- (d) a dispute resolution process;
- (e) review procedures;
- (f) a sunset clause.

(2) Subsection (1) does not limit the matters that may be included in an agreement about a joint arrangement.

Criteria when the class of area may be changed—Act, s 75

13. The matters prescribed for the purposes of section 18 of the Act (Declaration of classes of local government areas) are the criteria to which the commissioner must have regard when considering whether or not the class of a local government area should be changed.¹

¹ Section 6 of the regulation prescribes the criteria for the purposes of section 18 of the Act.

PART 4—LOCAL GOVERNMENT COUNCILLORS

Definitions

14. In this part—

“gift” means—

- (a) the transfer of money or other property—
 - (i) without consideration; or
 - (ii) for a consideration substantially less than full consideration; or
- (b) a loan of money or other property made on a permanent or indefinite basis (other than an overdraft facility).

“related person” means a person related to a councillor under section 15.

“share” means—

- (a) a share in the share capital of a corporation; or
- (b) stock; or
- (c) a convertible note; or
- (d) an option contract.

“sponsored hospitality benefit”, for a local government councillor or related person, means—

- (a) travel undertaken; or
- (b) accommodation used; or
- (c) other hospitality benefit received;

by the councillor or related person, other than in an official capacity, if a contribution (whether in cash or kind) for the cost of the travel, accommodation or other benefit is made by someone other than the councillor or related person.

“trade or professional organisation” means a body (whether incorporated or unincorporated) of—

- (a) employers or employees; or

- (b) persons engaged in a profession, trade or other occupation; that has an object of furthering the professional, industrial or economic interests of the body or its members.

Meaning of “related” to a councillor—Act, s 195(1)(b)

15. A person is related to a local government councillor if—

- (a) the person is the spouse, or the de facto spouse, of the councillor; or
- (b) the person is the councillor’s child and is wholly or substantially dependent on the councillor; or
- (c) the person is wholly or substantially dependent on the councillor and the person’s affairs are so closely connected with the affairs of the councillor that a benefit derived by the person, or a substantial part of it, could pass to the councillor.

Meaning of terms about corporations and other matters

16.(1) The following words have the same meaning in this part as they have in the Corporations Law—

- convertible note
- corporation
- debenture
- holding company
- nominee corporation
- officer
- option contract
- proprietary company
- subsidiary.

(2) For the purposes of this part, a person has a controlling interest in shares in a corporation if the person is able—

- (a) to dispose of, or to exercise control over the disposal of, the

shares; or

- (b) if the shares are voting shares—to exercise, or to control the exercise of, a voting power attached to the shares.

Register of local government councillor's interests

17.(1) A register of a local government councillor's interests must contain particulars about interests held only by the councillor—

- (a) alone; and
- (b) jointly or in common with a related person.

(2) A register of interests of a related person must contain particulars about interests held only by the related person—

- (a) alone; and
- (b) jointly or in common with the councillor for whom the person is a related person.

(3) However, if the related person's interests that are held jointly or in common with the councillor (for whom the person is a related person) are included in the register of the councillor's interests, the interests need not be included in the register of interests of the related person.

Financial and non-financial particulars for registers—Act, s 195(2)(b)

18.(1) A register of interests of a local government councillor or related person must contain the following financial and non-financial particulars—

- (a) for each corporation in which the councillor or related person is a shareholder or has a controlling interest in shares—
 - (i) the corporation's name; and
 - (ii) if the shareholding or interest is a controlling interest in the corporation—details of the shareholdings of the corporation in any other corporation; and
 - (iii) if the shareholding or interest is held in a proprietary company that is the holding company of another corporation—

- (A) details of the holding company's investments; and
 - (B) the name of any corporation that is a subsidiary of the holding company; and
 - (C) the name of any corporation that is a subsidiary of any corporation that is the holding company's subsidiary;
- (b) for each corporation of which the councillor or related person is an officer—
 - (i) the corporation's name; and
 - (ii) the nature of the office held; and
 - (iii) the nature of the corporation's activities;
- (c) for each family or business trust or nominee corporation in which the councillor or related person holds a beneficial interest—
 - (i) the name of, or a description sufficient to identify, the trust, or the corporation's name; and
 - (ii) the nature of the activities of the trust or corporation; and
 - (iii) the nature of the interest;
- (d) for each family or business trust in which the councillor or related person is a trustee—
 - (i) the name of, or a description sufficient to identify, the trust; and
 - (ii) the nature of the trust's activities; and
 - (iii) the name of each person by whom a beneficial interest in the trust is held;
- (e) for each partnership (including a joint venture) in which the councillor or related person has an interest—
 - (i) the name of, or a description sufficient to identify, the partnership; and
 - (ii) the nature of the partnership's activities; and
 - (iii) the nature of the interest;
- (f) for all real estate in which the councillor or related person has an interest—

- (i) the suburb or locality of the property; and
 - (ii) the approximate size of the property; and
 - (iii) the purpose for which the property is, and is intended to be, used; and
 - (iv) the nature of the interest;
- (g) for each liability (other than department store and credit card accounts) of the councillor or related person—
 - (i) the nature of the liability; and
 - (ii) the name of the creditor;
- (h) for each debenture or similar investment held by the councillor or related person—
 - (i) the nature of the investment; and
 - (ii) the name of the corporation in which the investment is made; and
 - (iii) the nature of the business of the corporation;
- (i) for each savings or investment account of the councillor or related person held with a financial institution—
 - (i) the nature of the account; and
 - (ii) the name of the institution;
- (j) for each gift, or all gifts totalling, more than \$500 in amount or value received by the councillor or related person—the name and address of the person who gave the gift or gifts to the councillor or related person;
- (k) for each sponsored hospitality benefit received by the councillor or related person—
 - (i) the source of the contribution for the travel, accommodation or other benefit; and
 - (ii) the purpose of the benefit;
- (l) particulars sufficiently detailed to identify each other substantial source of income received by—
 - (i) the councillor or related person; or

- (ii) a proprietary company, or trust, in which the councillor or related person holds an interest;
 - (m) particulars sufficiently detailed to identify each other asset of the councillor or related person with a value of more than \$5 000, other than—
 - (i) household and personal effects; and
 - (ii) a motor vehicle used mainly for personal use; and
 - (iii) superannuation entitlements;
 - (n) for each political party, body or association or trade or professional organisation of which the councillor or related person is a member—its name and address;
 - (o) particulars sufficiently detailed to identify each other financial or non-financial interest of the councillor or related person—
 - (i) of which the councillor is aware; and
 - (ii) that raises, appears to raise, or could foreseeably raise, a conflict between the councillor's duty as a councillor and the holder of the interest.
- (2) Subsection (1)(j) does not apply to a gift from a person who—
- (a) if the gift is received by the councillor—is a related person for, or someone else related by blood or marriage to, the councillor; or
 - (b) if the gift is received by the related person—is the councillor for whom the person is a related person, or someone else related by blood or marriage to the related person.

Time for councillor to tell about interests and correcting particulars—Act, s 195(3)

19.(1) This section applies to a councillor after the councillor's term of office starts.

(2) Three months is the time within which a councillor must tell of an interest that—

- (a) must be recorded in a register of councillor's interests or a register of interests for a related person for the councillor; or
- (b) is recorded but the particulars of which are no longer correct.²

Way for councillor to tell about interests and correct particulars—Act, s 195(3)

20. A councillor may tell the chief executive officer of the local government by giving the officer a statement of interests, or a notice of correct particulars, in the approved form.

PART 5—LOCAL GOVERNMENT ELECTIONS

Chapter 5 of the Act

21. Chapter 5 of the Act deals with local government elections.³

PART 6—GENERAL OPERATION OF LOCAL GOVERNMENTS

Particulars to be contained in register of delegations by a local government—Act, s 386(5)

22.(1) A register of delegations by a local government must—

- (a) contain the name or title of the person, or the name of the

² This section does not affect any obligations of a councillor under section 197 of the Act.

³ The regulation follows the structure of the Act. The headings to the parts of the regulation are substantially the same as the headings to the chapters of the Act. This part and section are included to maintain the relationship of the numbering sequence so that the part number is the same as the chapter number.

- committee, to whom the powers are delegated; and
- (b) identify the powers delegated, including the provisions under a local government Act permitting or requiring the exercise of the powers; and
- (c) contain a summary of the resolution by which the powers are delegated, including—
 - (i) the date of the resolution; and
 - (ii) a summary of any conditions to which the delegation is subject; and
 - (iii) if the resolution is numbered—its number.

(2) The local government may include other information in the register that it considers appropriate.

Declaration of exempt enterprises—Act, s 409

23.(1) The following are declared exempt enterprises—

- (a) an enterprise associated with, and involved in, the provision by a local government of local government services;
- (b) enterprises associated with the promotion of a local government area;
- (c) local government enterprises.

(2) In this section—

“local government enterprises” means—

- (a) abattoirs or saleyards or markets for livestock; or
- (b) forestry operations; or
- (c) land development; or
- (d) plant purchase, sale or hire; or
- (e) quarrying; or
- (f) the sale or distribution of food or water for stock during times of natural disaster; or
- (g) the supply of gas or electricity.

“local government services” includes the following services—

- (a) accommodation services, including, for example, hostels, hotels, motels, caravan parks and camping grounds;
- (b) cultural services, including, for example, civic or cultural centres, public halls, function rooms and public entertainment;
- (c) educational services, including, for example, kindergartens, libraries and student hostels;
- (d) environmental services, including, for example, river and creek cleaning, flood mitigation and refuse tips;
- (e) community services, including, for example, child care centres and facilities for aged persons and persons with disabilities;
- (f) recreational services, including, for example, swimming pools, sports grounds and showgrounds;
- (g) regulatory services, including, for example, animal control, building and drainage matters and anti-litter programs;
- (h) services for health (including public health) and safety, including, for example, the supply of water, sewerage, refuse collection and disposal, fire protection, beach patrols, health inspections and mosquito and vermin control;
- (i) transport services including, for example—
 - (i) buses, ferries and other methods of transport; and
 - (ii) aerodromes, boat ramps, jetties, marinas, parking facilities and other facilities necessary or convenient for transport; and
 - (iii) construction and maintenance of private roads.

Limits of enterprise powers—Act, s 414

24.(1) The matters prescribed in schedule 2 are the components of a local government’s own source revenue.

(2) The percentage of a local government’s own source revenue for the purpose of section 414(2)(b) of the Act is 5%.

(3) Three years is prescribed as the maximum number of years for which a local government may carry forward uncommitted amounts under section

414(3) of the Act.

PART 7—FINANCIAL OPERATION AND ACCOUNTABILITY OF LOCAL GOVERNMENTS

Chapter 7 of the Act

25. Chapter 7 of the Act deals with the financial operation and accountability of local governments.⁴

PART 8—LOCAL LAWS AND LOCAL LAW POLICIES

Policy register—Act, s 491(2)

26.(1) A local government's register of its local law policies must contain the following information about each policy—

- (a) the policy's name;
- (b) the purposes and general effect of the policy;
- (c) the name of the local law allowing the policy to be made;
- (d) the name of any existing local law policy amended or repealed by the new policy;
- (e) if the policy is for a limited time—details of the limitation;
- (f) if the policy applies only to a part of the local government's area—a description of the part;
- (g) the date of the local government's resolution to make the policy;⁵

⁴ See footnote 3.

⁵ See section 488 of the Act (Step 5—make proposed policy).

- (h) the date of the public notice advising of the making of the policy and the name of each newspaper in which the notice appeared;⁶
- (i) the date the policy commences.⁷

(2) The local government may include any other information in the register about the policy that it considers appropriate.

PART 9—LOCAL GOVERNMENT INFRASTRUCTURE

Register of roads—Act, s 517(3)(c)

27.(1) A local government's register of roads must also show—

- (a) the length of every road in the local government's area;
- (b) if a road is formed, gravelled pavement or sealed pavement—the length and width of the formed, gravelled pavement or sealed pavement part of the road.

(2) In this section—

“formed” road means a road (other than a gravelled pavement or sealed pavement road) formed so that stormwater drains from the road.

“gravelled pavement” road means a road surfaced with gravel, limestone or rubble and constructed by the use of a soil stabilisation process.

“sealed pavement” road means a road with a surface of asphalt, bitumen, concrete or pavers.

“unformed” road means a road or track that is—

- (a) not a formed, gravelled pavement or sealed pavement road; but
- (b) is open to, and used by, the public.

(3) For the purposes of this section—

⁶ See section 489 of the Act (Step 6—give public notice of policy).

⁷ See section 489(4) of the Act.

- (a) a length must be measured in kilometres and a width must be measured in metres; and
- (b) the width of a divided road is the total width of all sections of the divided road that are formed, gravelled pavement or sealed pavement; and
- (c) if a road consists of a through road and an adjacent road—the register must show the width of each as if each were a separate road.

PART 10—RATES AND CHARGES

Land exempted from rating—Act, s 553(1)(e)

28.(1) Section 553(1) of the Act provides that all land is rateable land other than—

- (a) land mentioned in section 553(1)(a) to (d); and
- (b) land exempt from rating under an Act or a regulation made under the Act.

Example of procedure to decide if land is rateable land—

Step 1—Decide if the land is rateable land after considering s 553(1)(a) to (d) of the Act.

Step 2—If the land is rateable land, consider if the land is exempt under subsection (2).

(2) The following land is exempt from rating—

- (a) if land is vested in, or placed under the management and control of, a person under an Act for recreation, sporting or charitable purposes—land used for 1 or more of the purposes;
- (b) land used for purposes of a public hospital that is—
 - (i) part of a private hospital complex; or
 - (ii) a private and public hospital complex;if the land used for the purposes is separated from the rest of the

- complex and the land used for the purposes is not more than 2 ha;
- (c) land owned or held by a local government unless the land is leased by the local government to someone else (other than another local government);
 - (d) land owned by a religious entity if the land is less than 20 ha and is used for 1 or more of the following purposes—
 - (i) religious purposes, including, for example, public worship;
 - (ii) the provision of education, health or community services including facilities for aged persons and persons with disabilities;
 - (iii) the administration of the religious entity;
 - (iv) housing incidental to a purpose mentioned in subparagraph (i), (ii) or (iii);
 - (e) land owned by a community entity (including, for example, the Queensland Country Women's Association), if the land is less than 20 ha and is used—
 - (i) for providing accommodation associated with the protection of children; or
 - (ii) for providing accommodation for students; or
 - (iii) for providing educational, training or information services aimed at improving labour market participation or leisure opportunities;
 - (f) land used for a cemetery;
 - (g) land used for charitable purposes if the local government concerned has, by resolution, decided the land should be exempt;
 - (h) land used primarily for showgrounds or horseracing (other than land specified in paragraph (a)) if the local government concerned has, by resolution, decided the land should be exempt.

(3) For the purposes of this section, land may be taken to be used for a purpose (the “**primary purpose**”) even though it is also used for purposes incidental to the primary purpose including some commercial purposes.

Example of subsection (3)—

The primary purpose of land may be a showground. At the annual agricultural show, horse racing may be conducted. The horse racing is incidental to the primary purpose. However, if horse racing was held weekly, it could be that the primary purpose of the land is a race track.

Requirements for local government's land record—Act, s 590(2)

29.(1) A local government's land record must contain the following information for each parcel of rateable land in its area—

- (a) the owner's name and postal address;
- (b) a description of the parcel including its location and size;
- (c) the unimproved value, and effective value, of the land and the date the most recent effective value took effect;
- (d) information about rates for the parcel, including—
 - (i) the type and amounts of rates levied on the parcel; and
 - (ii) if differential general rates are levied—the parcel's rating category; and
 - (iii) the date of each levy and the time for payment; and
 - (iv) the period for which the rates are levied; and
 - (v) the financial year to which the rates apply; and
 - (vi) information about the local government's discount periods, concessions and payment by instalments arrangements; and
 - (vii) overdue rates, accrued interest on overdue rates and the interest rate that applies to overdue rates; and
 - (viii) the date the rates are paid.

(2) The local government may include any other information in the land record that it considers appropriate.

Limit on interest for overdue rate—Act, s 614(3)(a)

30. The rate of interest must not be more than 11% a year.

Notice of intention to sell land—Act, s 637(3)

31.(1) A notice of intention to sell land must include the following matters—

- (a) a statement that the local government has decided to sell the land because an overdue rate has remained unpaid;
- (b) a statement that the notice is a notice of intention to sell land under section 637 of the Act;
- (c) the date of the local government's meeting at which the relevant resolution was made under section 636 of the Act and the terms of the resolution;
- (d) a description of the location and size of the land as shown in the local government's land record;
- (e) details of all overdue rates for the land including the time for which the rates have remained unpaid;
- (f) details of interest accrued to the date of the notice and the rate at which interest is accruing;
- (g) a statement that interest is compound interest, calculated on daily rests;
- (h) the amount of all overdue rates and other amounts owing at the date of the notice.⁸

(2) The chief executive officer must sign the notice.

Certificate of sale—Act, s 645(2)

32. A certificate on the sale of land under chapter 10, part 7, division 3 of the Act must be in the approved form.

Application for registration for interest of owner—Act, s 646(2)

33. An application to the registrar of titles by a local government to be registered for the interest held by the owner of land must be in the approved

⁸ Section 637(2) of the Act sets out other information that is to be given to the owner of the land and other interested persons.

form.

Notice of intention to acquire valueless land—Act, s 648(2)

34.(1) A notice of intention to acquire land must include the following matters—

- (a) a statement that the local government is acquiring the land under section 647 of the Act;
- (b) a statement that the notice is a notice of intention to acquire land under section 648 of the Act;
- (c) the date of the local government's meeting at which the relevant resolution was passed under section 593 of the Act and the terms of the resolution;
- (d) a description of the location and size of the land as shown in the local government's land record;
- (e) details of all overdue rates for the land including the time for which the rates have remained unpaid;
- (f) details of interest accrued to the date of the notice and the rate at which interest is accruing;
- (g) a statement that interest is compound interest, calculated on daily rests;
- (h) the amount of all overdue rates at the date of the notice;
- (i) a copy of section 594 of the Act and a general outline of the owner's rights to pay overdue rates.

(2) The chief executive officer must sign the notice.

Application to be registered as owner—Act, s 649(3)

35. An application to the registrar of titles by a local government to be registered for the interest of the owner of land must be in the approved form.

PART 11—PROVISIONS AIDING LOCAL GOVERNMENT

Who may be appointed as authorised persons—Act, s 676(1)

35A. The following persons are prescribed for section 676(1)(b) of the Act,⁹ for appointment by a local government (the “**appointing local government**”) as an authorised person—

- (a) a person who contracts with the appointing local government to provide services to it for the administration and enforcement of a local government Act;
- (b) a person who is an employee of an entity that contracts with the appointing local government to provide services to it for the administration and enforcement of a local government Act;
- (c) a person who is an employee of another local government and who performs duties for the appointing local government under an arrangement between the appointing local government and the other local government.

Minimum amounts of insurance against liability—Act, s 714

36.(1) The minimum amount of public liability insurance for a local government is \$30 000 000.

(2) The minimum amount of professional indemnity insurance for a local government is \$10 000 000.

⁹ Section 676 (Appointment)

PART 12—LOCAL GOVERNMENT STAFF***Division 1—Register of delegations by chief executive officer to employees*****Particulars to be contained in register of delegations by chief executive officer to employees—Act, s 723(4)**

37. A register of delegations by the chief executive officer of a local government to other employees of the local government must—

- (a) contain the name of the person, or the title of the office held by the person, to whom the powers are delegated; and
- (b) identify the powers delegated including—
 - (i) the provisions of the Act permitting or requiring the exercise of the powers; and
 - (ii) if the powers delegated have been delegated to the chief executive by the local government—the provisions of a local government Act permitting or requiring the exercise of the powers; and
- (c) contain the date of the delegation; and
- (d) contain a summary of any conditions to which the delegation is subject.

Division 2—Matters about disclosures by employees**Definitions**

38. In this division—

“**gift**” means—

- (a) the transfer of money or other property—
 - (i) without consideration; or
 - (ii) for a consideration substantially less than full consideration; or

- (b) a loan of money or other property made on a permanent or indefinite basis (other than an overdraft facility).

“related person” means a person related to a relevant employee under section 39.

“relevant employee” of a local government means—

- (a) the chief executive officer; or
- (b) a senior executive officer of the local government; or
- (c) an employee of the local government about whom the chief executive officer of the local government must keep a register because the local government has made a decision about the employee under section 730(2)(b) of the Act.

“share” means—

- (a) a share in the share capital of a corporation; or
- (b) stock; or
- (c) a convertible note; or
- (d) an option contract.

“sponsored hospitality benefit”, for a relevant employee or related person, means—

- (a) travel undertaken; or
- (b) accommodation used; or
- (c) other hospitality benefit received;

by the relevant employee or related person, other than in an official capacity, if a contribution (whether in cash or kind) for the cost of the travel, accommodation or other benefit is made by someone other than the relevant employee or related person.

“trade or professional organisation” means a body (whether incorporated or unincorporated) of—

- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation;

that has an object of furthering the professional, industrial or economic interests of the body or its members.

Meaning of “related” to a relevant employee—Act, s 730(1)(b) and (2)(c)

39. A person is related to a relevant employee if—

- (a) the person is the spouse, or the de facto spouse, of the relevant employee; or
- (b) the person is the relevant employee’s child and is wholly or substantially dependent on the relevant employee; or
- (c) the person is wholly or substantially dependent on the relevant employee and the person’s affairs are so closely connected with the affairs of the relevant employee that a benefit derived by the person, or a substantial part of it, could pass to the relevant employee.

Meaning of terms about corporations and other matters

40.(1) The following words have the same meaning in this division as they have in the Corporations Law—

- convertible note
- corporation
- debenture
- holding company
- nominee corporation
- officer
- option contract
- proprietary company
- subsidiary.

(2) For the purposes of this part, a person has a controlling interest in shares in a corporation if the person is able—

- (a) to dispose of, or to exercise control over the disposal of, the shares; or
- (b) if the shares are voting shares—to exercise, or to control the exercise of, a voting power attached to the shares.

Register of interests of relevant employees

41.(1) A register of interests of a relevant employee must contain particulars about interests held only by the relevant employee—

- (a) alone; and
- (b) jointly or in common with a related person.

(2) A register of interests of a related person must contain particulars about interests held only by the related person—

- (a) alone; and
- (b) jointly or in common with the relevant employee for whom the person is a related person.

(3) However, if the related person's interests that are held jointly or in common with the relevant employee (for whom the person is a related person) are included in the register of interests of the relevant employee, the interests need not be included in the register of interests of the related person.

Financial and non-financial particulars for registers—Act, s 730(3)(b)

42.(1) A register of interests of a relevant employee or related person must contain the following financial and non-financial particulars—

- (a) for each corporation in which the relevant employee or related person is a shareholder or has a controlling interest in shares—
 - (i) the corporation's name; and
 - (ii) if the shareholding or interest is a controlling interest in the corporation—details of the shareholdings of the corporation in any other corporation; and
 - (iii) if the shareholding or interest is held in a proprietary company that is the holding company of another corporation—
 - (A) details of the holding company's investments; and
 - (B) the name of any corporation that is a subsidiary of the holding company; and
 - (C) the name of any corporation that is a subsidiary of any

- corporation that is the holding company's subsidiary;
- (b) for each corporation of which the relevant employee or related person is an officer—
 - (i) the corporation's name; and
 - (ii) the nature of the office held; and
 - (iii) the nature of the corporation's activities;
 - (c) for each family or business trust or nominee corporation in which the relevant employee or related person holds a beneficial interest—
 - (i) the name of, or a description sufficient to identify, the trust, or the corporation's name; and
 - (ii) the nature of the activities of the trust or corporation; and
 - (iii) the nature of the interest;
 - (d) for each family or business trust in which the relevant employee or related person is a trustee—
 - (i) the name of, or a description sufficient to identify, the trust; and
 - (ii) the nature of the trust's activities; and
 - (iii) the name of each person by whom a beneficial interest in the trust is held;
 - (e) for each partnership (including a joint venture) in which the relevant employee or related person has an interest—
 - (i) the name of, or a description sufficient to identify, the partnership; and
 - (ii) the nature of the partnership's activities; and
 - (iii) the nature of the interest;
 - (f) for all real estate in which the relevant employee or related person has an interest—
 - (i) the suburb or locality of the property; and
 - (ii) the approximate size of the property; and

- (iii) the purpose for which the property is, and is intended to be, used; and
 - (iv) the nature of the interest;
- (g) for each liability (other than department store and credit card accounts) of the relevant employee or related person—
 - (i) the nature of the liability; and
 - (ii) the name of the creditor;
- (h) for each debenture or similar investment held by the relevant employee or related person—
 - (i) the nature of the investment; and
 - (ii) the name of the corporation in which the investment is made; and
 - (iii) the nature of the business of the corporation;
- (i) for each savings or investment account of the relevant employee or related person held with a financial institution—
 - (i) the nature of the account; and
 - (ii) the name of the institution;
- (j) for each gift, or all gifts totalling, more than \$500 in amount or value received by the relevant employee or related person—the name and address of the person who gave the gift or gifts to the relevant employee or related person;
- (k) for each sponsored hospitality benefit received by the relevant employee or related person—
 - (i) the source of the contribution for the travel, accommodation or other benefit; and
 - (ii) the purpose of the benefit;
- (l) particulars sufficiently detailed to identify each other substantial source of income received by—
 - (i) the relevant employee or related person; or
 - (ii) a proprietary company, or trust, in which the relevant employee or a related person holds an interest;

- (m) particulars sufficiently detailed to identify each other asset of the relevant employee or related person with a value of more than \$5 000, other than—
 - (i) household and personal effects; and
 - (ii) a motor vehicle used mainly for personal use; and
 - (iii) superannuation entitlements;
 - (n) for each body or association or trade or professional organisation of which the relevant employee or related person is a member (other than a body or association of a political nature)—its name and address;
 - (o) particulars sufficiently detailed to identify each other financial or non-financial interest of the relevant employee or related person—
 - (i) of which the relevant employee is aware; and
 - (ii) that raises, appears to raise, or could foreseeably raise, a conflict between the relevant employee's duty as a relevant employee and the holder of the interest.
- (2) Subsection (1)(j) does not apply to a gift from a person who—
- (a) if the gift is received by the relevant employee—is a related person for, or someone else related by blood or marriage to, the relevant employee; or
 - (b) if the gift is received by the related person—is the relevant employee for whom the person is a related person, or someone else related by blood or marriage to the related person.

Time for relevant employee to tell about interests and correcting particulars—Act, s 730(4) or (5)

43. Three months is the time within which a relevant employee must tell of an interest that—

- (a) must be recorded in the register of employee's interests or a

- register of interests for a related person for the employee; or
- (b) is recorded but the particulars of which are no longer correct.¹⁰

Way for relevant employee to tell about interests and correct particulars—Act, s 730(4) or (5)

44. A relevant employee may tell the person who, under the Act,¹¹ must keep the register by giving the keeper a statement of interests, or a notice of correct particulars, in the approved form.

PART 13—GENERAL

Chief executive may approve forms

- 45.(1)** The chief executive may approve forms for use under the Act.
- (2)** Copies of a form approved by the chief executive must be made available (by purchase or otherwise) to persons who asks for them.
- (3)** A form must have a heading briefly indicating the form's purpose.
- (4)** All forms must be numbered consecutively starting with the number '1'.
- (5)** All versions of a form must be numbered consecutively starting with the number '1'.
- (6)** The approval or availability of a form or a new version of a form must be notified in the gazette.
- (7)** Subsection (6) may be complied with in either of the following ways—
- (a) by publication in the gazette of a notice of—
- (i) the approval or availability of the form; and

¹⁰ This section does not affect section 732 of the Act.

¹¹ See section 730(1) and (2) of the Act for persons who must keep registers.

- (ii) the form's heading, number and version number; and
 - (iii) a place or places where copies can be obtained (by purchase or otherwise);
 - (b) by publication in the gazette of the form.
- (8) Failure to comply with this section does not affect the form's validity.

SCHEDULE 1

PRINCIPLES AND CRITERIA IF REVIEWABLE LOCAL GOVERNMENT MATTER AFFECTS EXTERNAL BOUNDARIES

section 8

Sufficient resource base

- 1.** A local government should have a sufficient resource base—
 - (a) to be able to efficiently and effectively exercise its jurisdiction and operate facilities, services and activities; and
 - (b) to be flexible and responsive in the exercise of its jurisdiction and the operation of its facilities, services and activities.

External boundaries

- 2.(1)** The external boundaries of a local government area should be drawn in a way that helps in—
 - (a) the planning and development for the benefit of the local government area; and
 - (b) the efficient and effective operation of its facilities, services and activities.
- (2)** The external boundaries of a local government should have regard to existing and expected population growth.

Community of interest principles

- 3.(1)** The external boundaries of a local government area should have regard to community of interest principles.
- (2)** Without limiting subsection (1), a local government area should generally—

SCHEDULE 1 (continued)

- (a) reflect local communities, for example, the geographical pattern of human activities (where people live, work and engage in leisure activities), and the linkages between local communities; and
- (b) have a centre, or centres, of administration and service easily accessible to its population; and
- (c) ensure effective elected representation for residents and ratepayers; and
- (d) have external boundaries that—
 - (i) do not divide local neighbourhoods or adjacent rural and urban areas with common interests or interdependencies (including, for example, economic, cultural and ethnic interests or interdependencies); and
 - (ii) follow the natural geographical features and non-natural features separating different communities; and
 - (iii) do not dissect properties.

(3) Despite subsection (2)(d)(ii), water catchment areas should generally be included in the local government area they service.

SCHEDULE 2**COMPONENTS OF OWN SOURCE REVENUE**

section 24

1. Revenue from general rates, differential general rates and the minimum general rate levy
2. Ex gratia receipts
3. Fines
4. General charges
5. Interest

ENDNOTES

1 Index to Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 August 1995. Future amendments of the Local Government Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Reprint date
1	none	13 April 1994

5 List of legislation

Local Government Regulation 1994 SL No. 101

notfd gaz 25 March 1994 pp 1228–32

ss 1–2 commenced on date of notification

s 36 commenced 1 July 1994 (see s 2(1))

remaining provisions commenced 26 March 1994 (see s 2(2))

as amended by

Local Government Amendment Regulation (No. 1) 1995 SL No. 104

notfd gaz 21 April 1995 pp 1718–21

commenced on date of notification

6 List of annotations

Commencement

s 2 om R2 (see RA s 37)

Who may be appointed as authorised persons—Act, s 676(1)

s 35A ins 1995 SL No. 104 s 3