

Queensland



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 60 of 1974

An Act to amend the State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971–1973 in certain particulars

[ASSENTED TO 27TH SEPTEMBER, 1974]

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:—

1. Short title and citation. (1) This Act may be cited as the *State and Regional Planning and Development, Public Works Organization and Environmental Control Act Amendment Act 1974*.

(2) In this Act the *State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971–1973* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971–1974*.

2. Amendment of s. 32. Section 32 of the Principal Act is amended by omitting provisions (a) and (b) and substituting the following provisions:—

- “(a) to co-ordinate the work of departments of the Government of the State, Local Authorities, Regional Co-ordination Councils, statutory bodies and all persons and associations that concern themselves in activity directed towards control of the environment, in their respective fields of endeavour directed towards that control, and to ensure consistency in their respective policies and objectives;
- (b) to develop and maintain close liaison with Local Authorities, Regional Co-ordination Councils, statutory bodies and persons and associations that concern themselves in activity directed to the control or improvement of the environment, in relation to their respective endeavours directed towards that control or improvement;”.

3. Repeal of and new s. 40. The Principal Act is amended by repealing section 40 and substituting the following section:—

“**40. Regional Co-ordination Councils.** (1) The Governor in Council may establish a Regional Co-ordination Council—

(a) for the whole of a region or for any part of a region;
or

(b) for the whole of two or more regions or for any part thereof.

(2) A Regional Co-ordination Council shall be taken to be established upon the publication in the Gazette of notification of the appointment of its appointed members who are duly nominated before the prescribed date referred to in section 40A (4) or who are nominated by the Minister under section 40A (1).

(3) In the notification of the first appointment of members of a Regional Co-ordination Council the Governor in Council shall specify in such manner as he thinks sufficient the area for which the council in question is thereby established.

The Governor in Council may, by notification published in the Gazette, vary the specification of the area for which a Regional Co-ordination Council is established.

(4) The Governor in Council may, by notification published in the Gazette, at any time declare that the Regional Co-ordination Council specified therein shall cease to exist on and from a date specified therein, which date shall be not earlier than the date of publication of the notification in the Gazette.

The council specified in such notification shall cease to exist on the date so specified and the membership thereof of persons then comprising the council shall terminate on that date.”.

4. New s. 40A. The Principal Act is amended by inserting after section 40 the following section:—

“**40A. Constitution of Regional Co-ordination Councils.** (1) A Regional Co-ordination Council shall consist of—

(a) a chairman who shall be the Co-ordinator-General or his delegate; and

- (b) such number of persons as are duly nominated before the prescribed date by or on behalf of Local Authorities whose Areas are included in the area for which the council is established, each of which members—
 - (i) in the case of a Local Authority that is elected by popular franchise, shall be nominated to the Minister by such Local Authority upon resolution of the authority and shall be a duly elected member of the authority that nominates him;
 - (ii) in the case of a Local Authority that is not so elected, shall be nominated by the Minister; and
- (c) such persons who are appointed to the council pursuant to subsection (2) or (5).

(2) At any time after the constitution of a Regional Co-ordination Council by the appointment of persons referred to in provision (b) of subsection (1), the council as constituted for the time being may from time to time, upon its resolution, recommend to the Minister that a person or persons of a class or classes specified by it should be appointed as a member or members of the council and thereupon the Minister may, at his discretion, recommend a person or persons (chosen by him from that class or those classes) for appointment as a member or as members of the council but in no case shall the Minister so recommend that more than one representative of a specified class be appointed to be members of the council at the same time.

(3) A Local Authority shall not, in any case, be entitled to nominate more than one of the persons who, pursuant to provision (b) of subsection (1) are to be members of a Regional Co-ordination Council at any time.

(4) For the purpose of the appointment of persons who pursuant to provision (b) of subsection (1), are to be members of a Regional Co-ordination Council the Minister shall cause notice to be given to each Local Authority entitled to nominate a person to be a member of the council at least one month before the date on which the Council is to be constituted or reconstituted and, by such notice, shall call on the authority to nominate to him a person qualified to be a member of the council and shall therein specify a date on or before which such nomination should be received by him.

Such date is in relation to the constitution or reconstitution of the council to which the notice relates the prescribed date for the purposes of section 40 (2) and of provision (b) of subsection (1) and of subsection (5).

(5) Notwithstanding that any Local Authority entitled to nominate a person to be appointed as a member of a Regional Co-ordination Council fails to duly nominate to the Minister a duly qualified person before the prescribed date the council may be lawfully constituted or reconstituted by the appointment, as its appointed members, of the persons who at that date have been duly nominated.

Where a Local Authority entitled to nominate a person to be appointed as a member of a Regional Co-ordination Council, having failed to duly nominate to the Minister a duly

qualified person before the prescribed date, duly nominates to the Minister a duly qualified person after the prescribed date such nominee shall be appointed as a member of the council.”.

5. **New s. 40B.** The Principal Act is amended by inserting after section 40A the following section:—

“**40B. Appointment of members of Regional Co-ordination Councils.** Members of a Regional Co-ordination Council, other than the chairman, shall be appointed by the Governor in Council on the recommendation of the Minister, by notification published in the Gazette.

In making his recommendation in that behalf the Minister (so far as a discretion is allowed him under this Act) shall have regard to the circumstances and requirements of the area for which the Regional Co-ordination Council is established for the time being.”.

6. **Amendment of s. 41.** Section 41 of the Principal Act is amended by inserting after the first paragraph the following paragraph:—

“The term of appointment of a member appointed to a council pursuant to section 40A (2) or (5) shall not in any case extend beyond the term for which the council is constituted at the time of his appointment.”.

7. **Amendment of s. 42.** Section 42 of the Principal Act is amended by—

(a) in subsection (1), omitting provisions (d) and (e) and substituting the following provisions:—

“ (d) if, being a member nominated by a Local Authority, he ceases to be a duly elected member of that authority or the Area of the Local Authority that nominated him is wholly excluded from the area for which the Regional Co-ordination Council is established for the time being;

(e) if he dies;

(f) if he becomes a patient within the meaning of *The Mental Health Acts 1962 to 1964*;

(g) if he resigns his office as a member by writing under his hand addressed to and furnished to the Minister.”;

(b) adding at the end of subsection (2) the following paragraph:—

“A member of a Regional Co-ordination Council who was appointed thereto on the nomination of a Local Authority shall be removed from his office as such by the Governor in Council if the Local Authority that nominated him informs the Minister in writing upon the resolution of the authority that it no longer desires that member as its representative on the council.”.

8. **New s. 42A.** The Principal Act is amended by inserting after section 42 the following section:—

“**42A. Delegate members.** (1) A member of a Regional Co-ordination Council, other than the chairman, who proposes to be absent from any meeting of the council and has to that end obtained leave of the chairman may appoint another person to be his delegate on the council.

Such appointment shall be in writing under the hand of the member and shall be furnished to the chairman and may be in respect of a particular meeting or in respect of a period of time.

(2) An appointment of a delegate member of a Regional Co-ordination Council shall be of no effect—

- (a) if in any case the delegate so appointed is a person who under section 42 (1) is to be deemed to have vacated his office as member of that council;
- (b) unless, in the case of an appointment made by a member nominated by a Local Authority, the delegate is a duly elected member of that authority;
- (c) unless, in the case of an appointment made by a member nominated by the Minister under section 40A (1) (b) (ii), the delegate is approved by the Minister in writing;
- (d) unless, in the case of an appointment made by a member who was appointed as such because he is or was of a particular class, the delegate is of that class.

(3) A delegate member shall, according to the terms of his appointment, be entitled to attend meetings of the Regional Co-ordination Council in question in the absence of the member who appointed him his delegate and while so attending shall be deemed to be a member of the council.

(4) An appointment of a delegate member of a Regional Co-ordination Council shall be taken to have terminated and to be of no further effect—

- (a) upon the conclusion of the meeting in respect of which he was appointed;
- (b) upon the expiration of the period in respect of which he was appointed;
- (c) if the member who made the appointment is at any time deemed to have vacated his office as a member of the council on any ground referred to in section 42 (1) or is duly removed from his office as such; or
- (d) if the delegate member is at any time deemed to have vacated his office as a member of the council on any ground referred to in section 42 (1),

whichever event is applicable in the circumstances and first occurs.”.

9. Amendment of s. 43. Section 43 of the Principal Act is amended by—

(a) numbering the existing provisions as subsection (1);

(b) adding at the end of the section the following subsection:—

“(2) Where the vacancy has occurred in the office of a member nominated by a Local Authority that is elected by popular franchise the Minister shall cause notice to be given to that Local Authority (if it is at that time entitled to nominate a person to be a member of the council in question) and, by such notice, shall call upon the authority to nominate to him, upon its resolution, a person qualified to be a member of the council in question.

Until the Local Authority to which such notice is given duly nominates to the Minister a duly qualified person the vacancy that has occurred shall not be filled.”.

10. Amendment of s. 44. Section 44 of the Principal Act is amended by—

- (a) numbering the existing provisions as subsection (1);
- (b) adding at the end of the section the following subsections:—

“(2) The chairman of a Regional Co-ordination Council shall preside at each meeting of the council at which he is present.

If the chairman is absent from any meeting of the council the members of the council who are present (if they constitute a quorum) may appoint from among their number a person who shall preside at that meeting.

While the person so appointed is presiding he shall have all the powers, authorities and functions of the chairman.

(3) The conduct of any business by a Regional Co-ordination Council shall not be rendered void or otherwise prejudiced or be questioned by reason of any vacancy in the membership of the council or of any defect in the constitution of the council.”.

11. Amendment of s. 70. Section 70 of the Principal Act is amended by, in subsection (3), omitting the first paragraph and substituting the following paragraphs:—

“A Project Board shall consist of the Co-ordinator-General or his delegate and four or more other members who shall be appointed by the Governor in Council on the recommendation of the Minister, by notification published in the Gazette.

In the notification of appointment of such members the Governor in Council shall, on the recommendation of the Minister, nominate which member shall be chairman of the board (whether he be an appointed member or not) during the term of appointment thereby notified of members of the board.”.

12. Amendment of s. 72. Section 72 of the Principal Act is amended by, in subsection (1),

(a) re-designating provisions (e) and (f) as provisions (f) and (g) respectively;

(b) omitting provision (d) and substituting the following provisions:—

“(d) if he dies;

(e) if he becomes a patient within the meaning of *The Mental Health Acts 1962 to 1964*;”.

13. Amendment of s. 73. Section 73 of the Principal Act is amended by—

(a) numbering the existing provisions as subsection (1);

(b) adding at the end of the section the following subsection:—

“(2) When a vacancy referred to in subsection (1) occurs in the office of a member who is chairman for the time being of a Project Board any person appointed to fill that vacancy shall not thereby be chairman but the Minister shall nominate who of the members of the board shall be chairman for the balance of the term of appointment then current of members of the board and the person so nominated shall be such chairman.”.

14. Amendment of s. 74. Section 74 of the Principal Act is amended by—

(a) numbering the existing provisions as subsection (1);

(b) adding at the end of the section the following subsections:—

“(2) The chairman of a Project Board shall preside at each meeting of the board at which he is present.

If the chairman is absent from any meeting of the board the members of the board who are present (if they constitute a quorum) may appoint from among their number a person who shall preside at that meeting.

While the person so appointed is presiding he shall have all the powers, authorities and functions of the chairman.

(3) The conduct of any business by a Project Board shall not be rendered void or otherwise prejudiced or be questioned by reason of any vacancy in the membership of the board or of any defect in the constitution of the board.”.

15. New s. 77A. The Principal Act is amended by inserting after section 77 the following section:—

“**77A. Audit of Project Board’s accounts.** At least once in every calendar year the accounts of each Project Board shall be audited by the Auditor-General who with respect to such accounts and audit shall have all the duties powers and authorities imposed or conferred on him by the *Audit Act 1874–1968* and for this purpose the person charged with keeping such accounts shall be deemed to be a Public Accountant within the meaning of that Act.”.