



Queensland

# **Local Government and Other Legislation Amendment Act 2013**

**Act No. 60 of 2013**





Queensland

# Local Government and Other Legislation Amendment Act 2013

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Queensland

## **Local Government and Other Legislation Amendment Act 2013**

### **Act No. 60 of 2013**

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**An Act to amend the City of Brisbane Act 2010, the Local Government Act 2009, the Local Government and Other Legislation Amendment Act 2012 and the Sustainable Planning Act 2009 for particular purposes, and to make consequential or minor amendments of other legislation as stated in schedule 1 for purposes related to those purposes**

**[Assented to 7 November 2013]**

[s 1]

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## The Parliament of Queensland enacts—

# Part 1 Preliminary

## 1 Short title

This Act may be cited as the *Local Government and Other Legislation Amendment Act 2013*.

## 2 Commencement

- (1) The following provisions commence on a day to be fixed by proclamation—
  - sections 25 to 29;
  - section 31 to the extent it inserts new chapter 10, part 8, division 1;
  - section 32(3) to (6);
  - schedule 1 to the extent it amends the *Sustainable Planning Act 2009*.
- (2) The following provisions commence on 1 January 2014—
  - section 17;
  - section 19 to the extent it inserts new chapter 9, part 7, division 2;
  - section 31 to the extent it inserts new chapter 10, part 8, division 2;
  - section 32(1) and (2).





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- (a) section 173, 173A(2) or (3), 174(5) or 215; or
- (b) section 173B(2), if the person is convicted of an offence to which paragraph (a) of the penalty applies; or
- (c) section 98B, 98E or 98G(a) or (b) of the Criminal Code.

## 6 Insertion of new s 173B

After section 173A—

*insert—*

### **173B Obligation of councillor to correct register of interests**

- (1) This section applies if—
  - (a) a councillor has an interest that must be recorded in a register of interests under a regulation in relation to the councillor or a person who is related to the councillor; or
  - (b) there is a change to an interest recorded in a register of interests under a regulation in relation to a councillor or a person who is related to a councillor.

*Editor's note—*

See the *City of Brisbane Regulation 2012*, chapter 8, part 5 (Register of interests).

- (2) The councillor must, in the approved form, inform the chief executive officer of the particulars of the interest or the change to the interest within 30 days after the interest arises or the change happens.

Maximum penalty—

- (a) if the councillor fails to comply with subsection (2) intentionally—100 penalty units; or

(b) otherwise—85 penalty units.

*Note—*

Under section 153(5), an offence against subsection (2) is an integrity offence if a person is convicted of an offence to which paragraph (a) of the penalty applies.

(3) For subsection (1), a person is *related* to a councillor if—

(a) the person is the councillor's spouse; or

(b) the person is totally or substantially dependent on the councillor and—

(i) the person is the councillor's child; or

(ii) 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.

## **7 Amendment of s 179 (Preliminary assessments of complaints)**

(1) Section 179(1) to (5)—

*omit, insert—*

(1) This section applies if any of the following make or receive a complaint about the conduct or performance of a councillor—

(a) the council;

(b) the department's chief executive;

(c) the chief executive officer.

(2) If the chief executive officer makes the complaint—

(a) the person who receives the complaint must refer the complaint to the department's chief executive; and

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- (b) the department's chief executive must conduct a preliminary assessment of the complaint.
- (3) If any other entity makes the complaint—
  - (a) the person who receives the complaint must refer the complaint to the chief executive officer; and
  - (b) the chief executive officer must conduct a preliminary assessment of the complaint.
- (2) Section 179(6) to (8)—  
*renumber* as section 179(4) to (6).

## **7A Amendment of s 183A (Records about complaints)**

- (1) Section 183A(1)(a), 'written complaints'—  
*omit, insert*—  
complaints
- (2) Section 183A(1)(b), 'written complaint'—  
*omit, insert*—  
complaint
- (3) Section 183A(2), 'written complaints'—  
*omit, insert*—  
complaints
- (4) Section 183A(3), 'written complaint'—  
*omit, insert*—  
complaint

## **8 Amendment of schedule (Dictionary)**

- (1) Schedule, definition *local government related law*, paragraphs (d) to (h)—  
*renumber* as paragraphs (e) to (i).



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**11 Amendment of s 19 (Assessment)**

Section 19(1), ‘proposed local government change’—  
*omit, insert—*

local government change proposed by the Minister

**11A Amendment of s 90A (Caretaker period)**

Section 90A(1)(b), after ‘conclusion’—  
*insert—*

of

**12 Amendment of s 152 (Qualifications of councillors)**

Section 152(a) to (c)—  
*omit, insert—*

- (a) is an adult Australian citizen; and
- (b) resides in the local government’s area; and
- (c) is enrolled on an electoral roll kept under the Electoral Act, section 58; and
- (d) is not disqualified from being a councillor because of a section in this division.

*Note—*

See the *Local Government Electoral Act 2011*, section 26 about who may be nominated as a candidate, or for appointment, as a councillor.

**13 Amendment of s 153 (Disqualification for certain offences)**

(1) Section 153(4)(c)—  
*omit.*

(2) Section 153(5)—  
*omit, insert—*

- 
- (5) An *integrity offence* is an offence against—
- (a) section 171, 171A(2) or (3), 172(5) or 234; or
  - (b) section 171B(2), if the person is convicted of an offence to which paragraph (a) of the penalty applies; or
  - (c) section 98B, 98E or 98G(a) or (b) of the Criminal Code.

#### 14 Insertion of new s 171B

After section 171A—

*insert—*

##### **171B Obligation of councillor to correct register of interests**

- (1) This section applies if—
- (a) a councillor has an interest that must be recorded in a register of interests under a regulation in relation to the councillor or a person who is related to the councillor; or
  - (b) there is a change to an interest recorded in a register of interests under a regulation in relation to a councillor or a person who is related to a councillor.

*Editor's note—*

See the *Local Government Regulation 2012*, chapter 8, part 5 (Register of interests).

- (2) The councillor must, in the approved form, inform the chief executive officer of the particulars of the interest or the change to the interest within 30 days after the interest arises or the change happens.

Maximum penalty—

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- (a) if the councillor fails to comply with subsection (2) intentionally—100 penalty units; or
- (b) otherwise—85 penalty units.

*Note—*

Under section 153(5), an offence against subsection (2) is an integrity offence if a person is convicted of an offence to which a penalty under maximum penalty, paragraph (a) applies.

- (3) For subsection (1), a person is *related* to a councillor if—
  - (a) the person is the councillor’s spouse; or
  - (b) the person is totally or substantially dependent on the councillor and—
    - (i) the person is the councillor’s child; or
    - (ii) 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.

## 15 **Amendment of s 176B (Preliminary assessments of complaints)**

- (1) Section 176B(1) to (5)—

*omit, insert—*

- (1) This section applies if any of the following make or receive a complaint about the conduct or performance of a councillor of a local government—
  - (a) the local government;
  - (b) the department’s chief executive;
  - (c) the mayor;



- 
- (d) the chief executive officer of the local government.
- (2) If the mayor or the chief executive officer makes the complaint—
- (a) the person who receives the complaint must refer the complaint to the department’s chief executive; and
- (b) the department’s chief executive must conduct a preliminary assessment of the complaint.
- (3) If any other entity makes the complaint—
- (a) the person who receives the complaint must refer the complaint to the chief executive officer; and
- (b) the chief executive officer must conduct a preliminary assessment of the complaint.
- (2) Section 176B(6) and (7)—  
*renumber* as section 176B(4) and (5).

**15A Amendment of s 181A (Records about complaints)**

- (1) Section 181A(1)(a), ‘written complaints’—  
*omit, insert*—  
complaints
- (2) Section 181A(1)(b), ‘written complaint’—  
*omit, insert*—  
complaint
- (3) Section 181A(2), ‘written complaints’—  
*omit, insert*—  
complaints
- (4) Section 181A(3), ‘written complaint’—

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*omit, insert—*  
complaint

**16 Amendment of s 196 (Appointing other local government employees)**

(1) Section 196—

*insert—*

(4A) The deputy mayor may delegate the deputy mayor's functions under subsection (4) to another councillor of the local government.

(2) Section 196—

*insert—*

(6) In this section—

*function* includes power.

(3) Section 196(4A) to (6)—

*renumber* as section 196(5) to (7).

**17 Amendment of s 260F (Implementation)**

Section 260F(5), ' , other than a duty under the *Duties Act 2001*'—

*omit.*

**18 Amendment of s 297 (Continuation of particular provisions for corporate entities)**

Section 297, after heading—

*insert—*

*Note—*

See also section 302 (Exemption from continuation of particular provisions for corporate entities) and section 303 (Continuation of particular provisions of other Acts for corporate entities).

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**19 Insertion of new ch 9, pt 7**

Chapter 9—

*insert—*

**Part 7 Transitional provisions  
for Local Government  
and Other Legislation  
Amendment Act 2013**

**Division 1 Former corporate entities**

**302 Exemption from continuation of particular  
provisions for corporate entities**

- (1) This section applies to a corporate entity mentioned in section 297(1).
- (2) Despite section 297(3), section 72(1) of the repealed regulation does not prevent a person being both of the following at the same time—
  - (a) a director of the corporate entity;
  - (b) a councillor of a local government.
- (3) However—
  - (a) no more than 1 director of the corporate entity can be a councillor of a local government; and
  - (b) a person who is both a director of the corporate entity and a councillor of a local government can not be the chairperson or deputy chairperson of the board of the corporate entity.
- (4) In this section—

*repealed regulation* means the repealed *Local Government (Beneficial Enterprises and*

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*Business Activities) Regulation 2010* as in force immediately before the commencement of section 297.

### **303 Continuation of particular provisions of other Acts for corporate entities**

- (1) This section applies to a corporate entity mentioned in section 297(1).
- (2) Each of the relevant Acts, as in force immediately before the commencement of the *Local Government and Other Legislation Amendment Act 2012* (the **amending Act**), continues to apply in relation to the corporate entity—
  - (a) as if the Act were not amended under the amending Act; and
  - (b) despite any amendment of the Act under the amending Act.
- (3) In this section—

**relevant Act** means either of the following—

  - (a) the *Judicial Review Act 1991*;
  - (b) the *Public Interest Disclosure Act 2010*.

## **Division 2      New local governments**

*Note—*

See also the *Sustainable Planning Act 2009*, chapter 10, part 8, division 2 for other transitional provisions for continuing and new local governments.

### **304 Definition for div 2**

In this division—

*new local government* means each of the following local governments that comes into existence on 1 January 2014—

- (a) Douglas Shire Council;
- (b) Livingstone Shire Council;
- (c) Mareeba Shire Council;
- (d) Noosa Shire Council.

### **305 Meeting to approve budget and levy rates and charges for period ending 30 June 2014**

- (1) A new local government must, at a meeting of the local government—
  - (a) adopt, by resolution, a budget presented by the mayor, with or without amendment, for the period—
    - (i) starting on 1 January 2014; and
    - (ii) ending on 30 June 2014; and
  - (b) decide, by resolution, what rates and charges are to be levied for the period—
    - (i) starting on 1 January 2014; and
    - (ii) ending on 30 June 2014.
- (2) The meeting must be held—
  - (a) before 1 February 2014; or
  - (b) on a later day allowed by the Minister.
- (3) Sections 94(2) and 107A do not apply to a new local government for the 2013-14 financial year.

### **306 Post-election meeting not required**

- (1) Section 175 does not apply, and is taken to have never applied, to a new local government.

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*Editor's note—*

Section 175 (Post-election meetings)

- (2) However, a new local government must, by resolution, appoint a deputy mayor from its councillors (other than the mayor) at its first meeting after it comes into existence on 1 January 2014.

## **20 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4, definition *Local Government Act*, paragraphs (c) to (g)—  
*renumber* as paragraphs (d) to (h).
- (2) Schedule 4, definition *Local Government Act*—  
*insert—*  
(c) the Building Act
- (3) Schedule 4, definition *major policy decision*, paragraph (d)(i), '\$150000'—  
*omit, insert—*  
\$200000
- (4) Schedule 4, definition *preliminary assessment*, 'section 176B(6)'—  
*omit, insert—*  
section 176B(4)

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## **Part 4**                      **Amendment of Local Government and Other Legislation Amendment Act 2012**

### **21 Act amended**

This part amends the *Local Government and Other Legislation Amendment Act 2012*.

### **22 Amendment of s 2 (Commencement)**

Section 2, first dot point, from ‘, 151 and 172(1) and (3)’—  
*omit, insert—*  
and 151

### **23 Amendment of s 172 (Amendment of s 270 (Regulation-making power))**

Section 172(1) and (3)—

*omit.*

*Editor’s note—*

Legislation ultimately amended—

- *Local Government Act 2009*

## **Part 5**                      **Amendment of Sustainable Planning Act 2009**

### **24 Act amended**

This part amends the *Sustainable Planning Act 2009*.

[s 25]

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*Note—*

See also the amendments in schedule 1.

**25 Amendment of s 15 (State planning instruments under Act)**

Section 15(b) and (c)—

*omit, insert—*

- (b) a State planning policy;
- (c) a regional plan;

**26 Amendment of s 26 (Relationship with other instruments)**

Section 26(2) and (3)—

*omit, insert—*

- (2) If there is an inconsistency between a regional plan and a local planning instrument, the regional plan prevails to the extent of the inconsistency.

**27 Replacement of s 43 (Relationship with local planning instruments)**

Section 43—

*omit, insert—*

**43 Relationship with regional plans and local planning instruments**

If there is an inconsistency between a State planning policy and a regional plan or local planning instrument, the State planning policy prevails to the extent of the inconsistency.

**28 Renumbering and relocation of ch 2, pts 3 and 4**

- (1) Chapter 2, parts 3 and 4—

*renumber and relocate* as chapter 2, parts 4 and 3 respectively.



(2) Sections 40 to 49—  
*renumber* as sections 22 to 31.

(3) Sections 22 to 39—  
*renumber* as sections 32 to 49.

**29 Amendment of s 74 (Notice of repeal)**

Section 74(6), ‘the eligible Minister’—  
*omit, insert*—  
the Minister

**30 Insertion of new s 86**

After section 85—  
*insert*—

**86 Planning schemes for particular local governments**

- (1) This section applies to the planning scheme for the following local governments—
  - (a) Ipswich City Council;
  - (b) Moreton Bay Regional Council;
  - (c) Sunshine Coast Regional Council.
- (2) The *Statutory Instruments Act 1992*, section 23 (**section 23**), applies for the following development control plans (each a **DCP**) under the repealed LGP&E Act—
  - (a) the DCP known as the Development Control Plan 1 Kawana Waters;

*Editor’s note*—

At the commencement of this section, a copy of the DCP was available on the Sunshine Coast Regional Council’s website at <[www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au)>.

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- (b) the DCP known as the Mango Hill Infrastructure Development Control Plan;

*Editor's note—*

At the commencement of this section, a copy of the DCP was available on the Moreton Bay Regional Council's website at <[www.moretonbay.qld.gov.au](http://www.moretonbay.qld.gov.au)>.

- (c) the DCP known as the Springfield Structure Plan.

*Editor's note—*

At the commencement of this section, a copy of the DCP was available on the Ipswich City Council's website at <[www.ipswich.qld.gov.au](http://www.ipswich.qld.gov.au)>.

- (3) However, a DCP can not be incorporated into the text of the planning scheme itself.
- (4) A planning scheme may under section 23 apply or adopt a DCP by including a statement that the DCP applies to the part of the planning scheme area to which the DCP applies (an ***adopted DCP***).
- (5) Section 857 and any definition relevant to it apply for an adopted DCP—
- (a) as if—
- (i) the planning scheme were an existing planning scheme to which that section applies; and
  - (ii) the adopted DCP were a development control plan to which that section applies; and
  - (iii) as if a reference in the section to a development control plan being included in an existing planning scheme under repealed IPA, section 6.1.45A were a reference to the adopted DCP; and
- (b) with necessary changes.

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**31 Insertion of new ch 10, pt 8**

After section 947—

*insert—*

**Part 8 Transitional provisions  
for Local Government  
and Other Legislation  
Amendment Act 2013**

**Division 1 State planning instruments**

**948 Existing development applications**

- (1) This section applies to a development application made, but not decided, before this section commences.
- (2) The development application must be dealt with and decided under this Act as if sections 26 and 43, as in force before the commencement, had not been amended by the amending Act.
- (3) However, for assessing or deciding the application, an assessment manager or referral agency for the application may apply the sections amended by the amending Act to the extent it considers appropriate.
- (4) In this section—

*amending Act* means the *Local Government and Other Legislation Amendment Act 2013*.

## **Division 2      De-amalgamation of particular local governments**

### **Subdivision 1   Preliminary**

#### **949 Definitions for pt 8, div 2**

In this division—

*application* means an application made under this Act.

*changeover day* means 1 January 2014.

*continuing local government* means—

- (a) Cairns Regional Council; or
- (b) Rockhampton Regional Council; or
- (c) Sunshine Coast Regional Council; or
- (d) Tablelands Regional Council.

*continuing local government area*, for a continuing local government, means the local government area for the continuing local government that comes into existence on the changeover day.

*decision maker*, for a continuing or new local government, means an entity that has a function under this Act to make a decision about a matter.

*existing proceeding*, means a proceeding that—

- (a) started under the Act before this section commences—
  - (i) before a building and development committee; or
  - (ii) in a court; and
- (b) on the commencement—
  - (i) has not been decided; or

- (ii) has not been withdrawn, or dismissed, struck out or otherwise disposed of under the Act.

**land**, for an application, offence committed, proceeding or request means the land to which it relates.

**new local government** means each of the following local governments that comes into existence on the changeover day—

- (a) Douglas Shire Council;
- (b) Livingstone Shire Council;
- (c) Noosa Shire Council;
- (d) Mareeba Shire Council.

**new local government area**, for a new local government, means the local government area for the new local government that comes into existence on the changeover day.

**related**—

- 1 Cairns Regional Council is *related* to Douglas Shire Council.
- 2 Rockhampton Regional Council is *related* to Livingstone Shire Council.
- 3 Sunshine Coast Regional Council is *related* to Noosa Shire Council.
- 4 Tablelands Regional Council is *related* to Mareeba Shire Council.

**request** means a request made under this Act.

## **Subdivision 2 Applications or requests made before changeover day**

### **950 Application or request relating to land wholly within continuing local government area**

- (1) This section applies if—
  - (a) before the changeover day, a continuing local government—
    - (i) is the decision maker for an application or request; and
    - (ii) has not decided the application or request; and
  - (b) on the changeover day, the land is wholly within the local government's area.
- (2) On the changeover day, the local government continues as the decision maker for the application or request.

### **951 Application or request relating to land wholly within new local government area**

- (1) This section applies if—
  - (a) before the changeover day, a continuing local government—
    - (i) is the decision maker for an application or request; and
    - (ii) has not decided the application or request; and
  - (b) on the changeover day, the land is wholly within a new local government's area.

- (2) On the changeover day, the new local government becomes the decision maker for the application or request.
- (3) Subsection (4) applies if, on the changeover day—
  - (a) the new local government must under this Act, take a particular step as decision maker for the application or request within a certain period; and
  - (b) the step has not been fully taken.
- (4) The local government has a further 10 business days to take the step as well as any unexpired part of the period.

**952 Application or request relating to land within continuing and new local government area**

- (1) This section applies if—
  - (a) before the changeover day, a continuing local government—
    - (i) is the decision maker for an application or request; and
    - (ii) has not decided the application or request; and
  - (b) on the changeover day the land is partly within—
    - (a) a continuing local government area; and
    - (b) a new local government area.
- (2) The continuing local government for the continuing local government area must decide by the end of 2 January 2014 whether it is to continue to be the decision maker for the application or request.

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- (3) Within 2 business days of making the decision, the continuing local government must, give written notice of its decision to—
  - (a) for an application—the applicant; and
  - (b) for a request—the person who made the request; and
  - (c) the new local government.
- (4) If the continuing local government gives notice that it is not continuing as the decision maker for the application or request, the new local government becomes the decision maker on the day it receives the notice (the *notification day*).
- (5) A continuing local government that continues as the decision maker, or a new local government that becomes the decision maker, under this section must consult the related local government, in the way it considers appropriate, before it decides the application or request.
- (6) However, subsection (5) does not apply to a local government if the application is a development application.
- (7) Subsection (8) applies if, on the notification day—
  - (a) the new local government is required to take a particular step as the decision maker for an application or request within a certain period; and
  - (b) the step has not been fully taken.
- (8) The new local government has a further 10 business days to take the step as well as any unexpired part of the period.
- (9) Subsections (10) to (12) apply to an application that is a development application if—



- (a) a continuing local government continues as the decision maker under subsection (2); or
  - (b) a new local government becomes the decision maker under subsection (4).
- (10) Regardless of which stage of IDAS applies to the application, the other local government that is not the decision maker is the concurrence agency for the application to the extent the application is about land within the local government's area.
- (11) The concurrence agency must give the concurrence agency's response within 30 business days after the notification day.
- (12) The decision maker can not make a decision about the application until the earlier of the following—
- (a) the receipt of the concurrence agency's response;
  - (b) the expiration of 30 business days after the notification day.

### **953 Continuing local government to assist related new local government**

- (1) This section applies if a new local government becomes a decision maker for an application or request under this subdivision.
- (2) The related continuing local government must do all acts and things necessary or desirable to facilitate the transfer of the decision maker function to the new local government.
- (3) Without limiting subsection (2), the related continuing local government must give the new local government the documents that are necessary to enable compliance with a provision of this Act including, for example—

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- (a) all material relevant to the application or request the continuing local government had on the changeover day; and
- (b) any material the continuing local government receives about the application or request after the new local government becomes the decision maker.

### **Subdivision 3 Existing proceedings**

#### **954 Land wholly within new local government area**

- (1) This section applies to an existing proceeding if—
  - (a) the proceeding was started before the changeover day; and
  - (b) a continuing local government was a party to the proceeding; and
  - (c) on the changeover day, the land is wholly within a new local government area.
- (2) For the proceeding, the new local government becomes a party to the proceeding in place of the related continuing local government.

#### **955 Land within both continuing and new local government area**

- (1) This section applies to an existing proceeding if—
  - (a) the proceeding was started before the changeover day; and
  - (b) a continuing local government was a party to the proceeding; and
  - (c) on the changeover day, the land to which the proceeding relates is partly within—

- 
- (i) a continuing local government area;  
and
    - (ii) a new local government area.
  - (2) Within 5 business days after the changeover day, the continuing local government must ask the Minister to make a decision under subsection (3).
  - (3) The Minister must decide whether one or both of the local governments is to be a party to the remainder of the proceeding.
  - (4) Until the decision is made, the continuing local government continues to be a party to the proceeding.
  - (5) Despite subsection (3), and at any time up until the Minister makes the decision, the new local government may elect to be joined as a party to the proceeding.

#### **Subdivision 4 Proceedings commenced after changeover day**

##### **956 Land wholly within new local government area**

- (1) This section applies if—
  - (a) before the changeover day—
    - (i) a continuing local government made a decision (a *relevant decision*) about an application, request or previous decision made under this Act; or
    - (ii) a court made a decision (also a *relevant decision*) about an application, request or previous decision made under this Act; and
  - (b) immediately before the changeover day, a person could have, but has not, commenced

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- a proceeding about the relevant decision;  
and
  - (c) on the changeover day, the land is wholly within a new local government area.
- (2) A person—
- (a) may start a proceeding about the relevant decision against the new local government for the new local government area; but
  - (b) can not start a proceeding about the relevant decision against the continuing local government.

### **957 Land within both continuing and new local government area**

- (1) This section applies if—
- (a) before the changeover day—
    - (i) a continuing local government made a decision (a *relevant decision*) about an application, request or previous decision made under this Act; or
    - (ii) a court made a decision (also a *relevant decision*) about an application, request or previous decision made under this Act; and
  - (b) immediately before the changeover day, a person could have, but has not, commenced a proceeding about the relevant decision; and
  - (c) on the changeover day, the land to which the relevant decision relates is partly within—
    - (i) a continuing local government area; and
    - (ii) a new local government area.

- (2) If a person wishes to start a proceeding about the relevant decision, the person can only start it against both local governments.
- (3) Within 5 business days after service of the proceeding, the continuing local government must ask the Minister to make a decision under subsection (4).
- (4) If so requested, the Minister must decide whether one or both of the local governments is to be a party to the proceeding.
- (5) Until the Minister makes the decision, both local governments are parties to the proceeding.

## **Subdivision 5 Enforcement provision**

### **958 Enforcement that may be taken by new local governments**

- (1) This section applies for an offence against this Act if—
  - (a) before the changeover day, a continuing local government would have been the assessing authority for the offence; and
  - (b) on the changeover day, the land to which the offence relates is wholly or partly within a new local government area.
- (2) From the changeover day, the new local government for the new local government area may also do any of the following about the offence—
  - (a) give a show cause notice under chapter 7, part 3, division 2;
  - (b) give an enforcement notice under chapter 7, part 3, division 3;

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- (c) bring a proceeding under chapter 7, part 3, division 4 or 5.
- (3) For chapter 7, parts 3 and 4, as applied under subsection (2), the following applies, if the context permits—
  - (a) a reference to an assessing authority or a local government includes a reference to the new local government;
  - (b) a reference to a chief executive or the chief executive officer, however called, of an assessing authority includes a reference to a chief executive or the chief executive officer of the new local government.

## **Subdivision 6 Miscellaneous**

### **959 Provision about consultations**

- (1) This section applies for a requirement under this division for one local government to consult another about a decision.
- (2) The local government may carry out the consultation in any way it considers appropriate.
- (3) A failure to consult does not invalidate or otherwise affect the decision.

## **32 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3—

*insert—*

***changeover day*** for chapter 10, part 8, division 2, see section 949.

***continuing local government*** for chapter 10, part 8, division 2, see section 949.

***continuing local government area*** for chapter 10, part 8, division 2, see section 949.

***decision maker*** for chapter 10, part 8, division 2, see section 949.

***existing proceeding*** for chapter 10, part 8, division 2, see section 949.

***land*** for chapter 10, part 8, division 2, see section 949.

***new local government*** for chapter 10, part 8, division 2, see section 949.

***new local government area*** for chapter 10, part 8, division 2, see section 949.

***related***, for chapter 10, part 8, division 2, see section 949.

***request*** for chapter 10, part 8, division 2, see section 949.

- (2) Schedule 3, definition *application*—

*omit, insert*—

***application***—

- (a) for chapter 6, means a development application; or  
(b) for chapter 10, part 8, division 2, see section 949.

- (3) Schedule 3, definition *designated region*, ‘section 22(1)’—

*omit, insert*—

section 32(1)

- (4) Schedule 3, definition *regional plan*, ‘section 23’—

*omit, insert*—

section 33

- (5) Schedule 3, definition *State planning policy*, ‘section 40’—

*omit, insert*—

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section 22

- (6) Schedule 3, definition *temporary State planning policy*,  
'section 46(1) and (2)'—

*omit, insert—*

section 28(1) and (2)

## **Part 6**                      **Minor and consequential amendments**

### **33**      **Legislation amended**

Schedule 1 amends the Acts and regulations it mentions.



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## **Schedule 1      Minor and consequential amendments**

section 33

### **City of Brisbane Act 2010**

- 1      Section 6, ‘the schedule’—**  
*omit, insert—*  
    schedule 1
  
- 2      Section 14(3)(a)(ii), ‘and community plans’—**  
*omit, insert—*  
    plan
  
- 3      Section 15(1)(b)(iii), ‘and community plans’—**  
*omit, insert—*  
    plan
  
- 4      Section 51(4)(a), ‘section 8’—**  
*omit, insert—*  
    section 10
  
- 5      Schedule—**  
*renumber* as schedule 1.

## City of Brisbane Regulation 2012

**1 Section 240—**

*omit.*

**2 Section 270, heading—**

*omit, insert—*

**270 Obligation of chief executive officer and senior executive employees to correct register of interests**

**3 Section 270(1) and (2)—**

*omit.*

**4 Section 270(3) to (6)—**

*renumber* as section 270(1) to (4).

**5 Section 270(1), as renumbered, ‘Subsection (4)’—**

*omit, insert—*

Subsection (2)

**6 Section 270(3), as renumbered, ‘Subsection (6)’—**

*omit, insert—*

Subsection (4)

**7 Section 270, after subsection (4) as renumbered—**

*insert—*

*Note—*

See the Act, section 173B about the obligation of a councillor to correct the register of interests.

## Local Government Act 2009

- 1      **Section 12(3)(a)(ii), ‘and community plans’—**  
          *omit, insert—*  
          plan
  
- 2      **Section 13(2)(b)(iii), ‘and community plans’—**  
          *omit, insert—*  
          plan
  
- 3      **Section 25(4), ‘section 19’—**  
          *omit, insert—*  
          section 18
  
- 4      **Section 47(4)(a), ‘section 8’—**  
          *omit, insert—*  
          section 10
  
- 5      **Schedule 4, definition *conflict of interest*, ‘section 173(3)’—**  
          *omit, insert—*  
          section 173(2)
  
- 6      **Schedule 4, definition *senior executive employee*, ‘section 196(5)’—**  
          *omit, insert—*  
          section 196(6)

## Local Government Regulation 2012

**1 Section 253—**

*omit.*

**2 Section 292, heading—**

*omit, insert—*

**292 Obligation of chief executive officer and senior executive employees to correct register of interests**

**3 Section 292(1) and (2)—**

*omit.*

**4 Section 292(3) to (6)—**

*renumber* as section 292(1) to (4).

**5 Section 292(1), as renumbered, ‘Subsection (4)’—**

*omit, insert—*

Subsection (2)

**6 Section 292(3), as renumbered, ‘Subsection (6)’—**

*omit, insert—*

Subsection (4)

**7 Section 292, after subsection (4) as renumbered—**

*insert—*

*Note—*

See the Act, section 171B about the obligation of a councillor to correct the register of interests.

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## Sustainable Planning Act 2009

**1 Section 27(1), as renumbered, ‘section 44’—**

*omit, insert—*

section 26

**2 Section 28(1) and (2), as renumbered, ‘section 47’—**

*omit, insert—*

section 29

**3 Section 39(1), as renumbered, ‘section 22(1)’—**

*omit, insert—*

section 32(1)

**4 Section 43(3), as renumbered, ‘section 31(4)’—**

*omit, insert—*

section 41(4)

**5 Section 83, note—**

*omit, insert—*

*Note—*

For the relationship between planning schemes and State planning instruments, see sections 19 (Relationship with other instruments), 25 (Relationship with local planning instruments), 36 (Relationship with other instruments) and 53 (Relationship with local planning instruments).

**6 Section 104, note—**

*omit, insert—*

*Note—*

Schedule 1

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For the relationship between temporary local planning instruments and State planning instruments, see sections 19 (Relationship with other instruments), 25 (Relationship with local planning instruments), 36 (Relationship with other instruments) and 53 (Relationship with local planning instruments).

**7 Section 129, note, ‘section 29’—**

*omit, insert—*

section 39

**8 Schedule 3, definition *Minister*, paragraph (a), ‘part 2 or 3’—**

*omit, insert—*

part 2 or 4

**9 Schedule 3, definition *Minister*, paragraph (b), ‘part 4 or 5’—**

*omit, insert—*

part 3 or 5

**10 Schedule 3, definition *regional planning committee*, ‘section 31’—**

*omit, insert—*

section 41

**11 Schedule 3, definition *regional planning Minister*, paragraph (a), ‘part 2 or 3’—**

*omit, insert—*

part 2 or 4