



Queensland

Local Government and Other Legislation Amendment Act (No. 2) 2015

Act No. 25 of 2015



Queensland

Local Government and Other Legislation Amendment Act (No. 2) 2015

Contents

		Page
Part 1	Preliminary	
1	Short title	4
Part 2	Amendment of City of Brisbane Act 2010	
2	Act amended	4
3	Amendment of s 92D (Prohibition on election material in caretaker period)	4
Part 3	Amendment of Local Government Act 2009	
4	Act amended	5
5	Amendment of s 90D (Prohibition on election material in caretaker period)	5
Part 4	Amendment of Local Government Electoral Act 2011	
6	Act amended	5
7	Amendment of s 84 (How electors must record a vote on a ballot paper—first-past-the-post voting)	5
Part 5	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	
8	Act amended	6
9	Amendment of s 99BRCK (Requirements for infrastructure charges notice)	6
Part 6	Amendment of Sustainable Planning Act 2009	
10	Act amended	7
11	Amendment of s 637 (Requirements for infrastructure charges notice)	7
12	Amendment of s 975 (Definitions for pt 11)	7
13	Insertion of new s 975A	7
	975A Cut-off date for particular local governments	8
14	Amendment of s 979 (Charges resolutions until 1 July 2016)	8
15	Amendment of s 982 (PIP to LGIP)	9

Contents

16	Amendment of s 983 (Existing SPRP for adopted charges).	9
17	Amendment of s 996 (Provision for planning schemes in effect before 4 July 2014 that do not include an LGIP or PIP)	10
18	Insertion of new of ch 10, pt 14	10
	Part 14 Transitional and validating provisions for Local Government and Other Legislation Amendment Act (No. 2) 2015	
	997 Extension of time for particular planning schemes. . .	11
	998 Validation provision for particular charges resolutions	12



Queensland

Local Government and Other Legislation Amendment Act (No. 2) 2015

Act No. 25 of 2015

An Act to amend the City of Brisbane Act 2010, the Local Government Act 2009, the Local Government Electoral Act 2011, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and the Sustainable Planning Act 2009 for particular purposes

[Assented to 20 November 2015]

[s 1]

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 (No. 2) 2015*.

Part 2 Amendment of City of Brisbane Act 2010

2 Act amended

This part amends the *City of Brisbane Act 2010*.

3 Amendment of s 92D (Prohibition on election material in caretaker period)

Section 92D—

insert—

- (3) The prohibition under subsection (1) does not apply to making a how-to-vote card available under the *Local Government Electoral Act 2011*, section 179(6).

Part 3 Amendment of Local Government Act 2009

4 Act amended

This part amends the *Local Government Act 2009*.

5 Amendment of s 90D (Prohibition on election material in caretaker period)

Section 90D—

insert—

- (3) The prohibition under subsection (1) does not apply to making a how-to-vote card available under the *Local Government Electoral Act 2011*, section 179(6).

Part 4 Amendment of Local Government Electoral Act 2011

6 Act amended

This part amends the *Local Government Electoral Act 2011*.

7 Amendment of s 84 (How electors must record a vote on a ballot paper—first-past-the-post voting)

- (1) Section 84(2)—

omit.

- (2) Section 84(3), ‘For an election of other councillors, an’—

omit, insert—

An

- (3) Section 84(3)—
renumber as section 84(2).

Part 5

Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

8 Act amended

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

9 Amendment of s 99BRCK (Requirements for infrastructure charges notice)

Section 99BRCK—

insert—

- (1A) However, the infrastructure charges notice need not include the information mentioned in subsection (1)(f) if the person who is to receive the notice has—
- (a) advised, in writing, the distributor-retailer giving the notice that the information need not be included in the notice; or
 - (b) indicated, in an approved form, that the information need not be included in the notice.

Part 6 Amendment of Sustainable Planning Act 2009

10 Act amended

This part amends the *Sustainable Planning Act 2009*.

11 Amendment of s 637 (Requirements for infrastructure charges notice)

Section 637—

insert—

(1A) However, the infrastructure charges notice need not include the information mentioned in subsection (1)(f) if the person who is to receive the notice has—

- (a) advised, in writing, the local government giving the notice that the information need not be included in the notice; or
- (b) indicated, in an approved form, that the information need not be included in the notice.

12 Amendment of s 975 (Definitions for pt 11)

Section 975—

insert—

cut-off date, for a local government, see section 975A.

13 Insertion of new s 975A

Chapter 10, part 11, division 1—

insert—

[s 14]

975A Cut-off date for particular local governments

- (1) The *cut-off date*, for a local government is—
 - (a) if the local government is granted an extension of time under section 997—the day after the extension ends; or
 - (b) otherwise—1 July 2016.
- (2) However, if the local government takes either of the following actions before its cut-off date under subsection (1), the *cut-off date* for the local government is the day it takes the action—
 - (a) amends its planning scheme to include an LGIP;
 - (b) adopts a new planning scheme that includes an LGIP.

14 Amendment of s 979 (Charges resolutions until 1 July 2016)

- (1) Section 979, heading, ‘1 July 2016’—
omit, insert—
cut-off date
- (2) Section 979(6) to (8)—
omit, insert—
 - (6) Until the cut-off date for the local government, it may make a charges resolution under this Act that includes a saved provision (a *modified charges resolution*).
 - (6A) Subsection (6) applies despite—
 - (a) section 628A; and
 - (b) sections 630 and 631 preventing a charges resolution including a saved provision.

- (7) For applying chapter 8 for the modified charges resolution, the saved provisions are taken to have been done under an LGIP.
- (8) On the cut-off date for the local government, each saved provision included in the modified charges resolution ceases to have effect.

15 Amendment of s 982 (PIP to LGIP)

- (1) Section 982(3), ‘1 July 2016’—

omit, insert—

the cut-off date for the local government

- (2) Section 982—

insert—

- (4) In this section—

cut-off date, for a local government is—

- (a) if the local government is granted an extension of time under section 997—the day after the extension ends; or
- (b) otherwise—1 July 2016.

16 Amendment of s 983 (Existing SPRP for adopted charges)

- (1) Section 983(2)(b)—

omit, insert—

- (b) may, until the cut-off date for a local government, identify PIAs for the local government.

- (2) Section 983(3)—

omit, insert—

[s 17]

- (3) A PIA identified for a local government under the SPRP (adopted charges) ceases to have effect on the cut-off date for the local government.

17 Amendment of s 996 (Provision for planning schemes in effect before 4 July 2014 that do not include an LGIP or PIP)

- (1) Section 996(1), ‘in relation to a planning scheme that’—
omit, insert—
to a local government if its planning scheme
- (2) Section 996(2), from ‘for’ to ‘day’—
omit, insert—
may do the following until the cut-off date for the local government
- (3) Section 996(3), definition *stated day*—
omit, insert—
cut-off date see section 975A.

18 Insertion of new of ch 10, pt 14

Chapter 10—
insert—

Part 14 Transitional and validating provisions for Local Government and Other Legislation Amendment Act (No. 2) 2015

997 Extension of time for particular planning schemes

- (1) This section applies to a local government if its planning scheme—
 - (a) does not include an LGIP; or
 - (b) includes a PIP for which an amendment, prepared in accordance with the guideline mentioned in section 117(2), has not yet been made.

Note—

Section 982(3) requires an amendment, prepared in accordance with the guideline mentioned in section 117(2), to be made to a local government's PIP before the cut-off date for the local government.

- (2) The local government may, by resolution, apply to the Minister for an extension of time for sections 979, 982, 983 and 996.
- (3) The application must be accompanied by—
 - (a) evidence of the resolution to make the application; and
 - (b) a project plan that demonstrates how the local government will finalise the LGIP within the extension, including a summary of the resources and time-frame to be used by the local government.

[s 18]

- (4) The Minister must—
 - (a) consider the application and the documents mentioned in subsection (3); and
 - (b) decide to grant, or refuse to grant, the application; and
 - (c) inform the local government of the Minister's decision.
- (5) However, if the Minister does not inform the local government of the Minister's decision within 20 business days after receiving the application, the local government is taken to have been granted an extension of time ending 30 June 2018, at the end of the day.
- (6) An extension of time granted under this section must end before 1 July 2018.
- (7) In this section—
PIP see section 975.

resolution, of a local government, means the formal decision of the local government at a local government meeting.

998 Validation provision for particular charges resolutions

- (1) This section applies if, after the commencement of section 628A but before the commencement of this section, a local government purported to make a charges resolution under former section 979(6).
- (2) Chapter 8, part 2 applied for making the charges resolution despite section 628A.
- (3) The charges resolution may have included a saved provision despite sections 630 and 631.
- (4) The charges resolution, and any action taken in relation to the resolution, is taken to be, and to

always have been, as valid as it would have been if section 628A had not commenced before the resolution was made.

- (5) Section 979(8) applies to a saved provision included in the charges resolution as if the resolution were a modified charges resolution made under section 979(6).

- (6) In this section—

former section 979(6) means section 979(6) as in force immediately before its replacement under the *Local Government and Other Legislation Amendment Act (No. 2) 2015*.

saved provision see section 979(5).