

# Queensland



## Subordinate Legislation 1999 No. 5

### *Local Government Act 1993*

# LOCAL GOVERNMENT (BOONAH, BRISBANE, ESK, IPSWICH AND LAIDLEY) REGULATION 1999

## TABLE OF PROVISIONS

Section	Page
<b>PART 1—PRELIMINARY</b>	
1 Short title .....	5
2 Commencement .....	5
3 Objects .....	5
4 Definitions .....	6
5 Gazettal of changeover days for areas E and F .....	6
<b>PART 2—IMMEDIATE IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS</b>	
<i>Division 1—External boundary changes</i>	
6 City of Ipswich and Shire of Boonah .....	7
7 City of Ipswich and Shire of Esk .....	7
8 City of Ipswich and Shire of Laidley .....	7
<i>Division 2—Identification of new external boundaries</i>	
9 Identification of new external boundaries .....	8
<b>PART 3—DELAYED IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS</b>	
10 Cities of Ipswich and Brisbane .....	8
11 City of Ipswich and Shire of Boonah .....	8

---

**PART 4—CONDUCT OF 2000 TRIENNIAL ELECTIONS**

12	Application of pt 4 . . . . .	9
13	Conduct of 2000 triennial elections . . . . .	9
14	Qualification for office of mayor or councillor . . . . .	10
15	Term of office as councillor . . . . .	10

**PART 5—PROVISIONS FOR FACILITATING  
IMPLEMENTATION OF REVIEWABLE LOCAL  
GOVERNMENT MATTERS**

*Division 1—Role of receiving local government*

16	Receiving local government to take over certain functions and powers . . .	10
17	Application of local laws to transferred area . . . . .	11

*Division 2—Instruments*

18	Existing instruments continue in force . . . . .	11
----	--	----

*Division 3—Financial matters*

*Subdivision 1—Assets and liabilities for areas E and F*

19	Application of sdiv 1 . . . . .	12
20	Amount payable by Boonah Shire Council to Ipswich City Council . . . . .	12
21	Amount payable by Brisbane City Council to Ipswich City Council . . . . .	12
22	Amount for accrued annual and long service leave for Ipswich City Council officers . . . . .	13
23	Plant and equipment used by transferred officers . . . . .	13
24	Ipswich City Council capital works expenditure after 30 June 1998 . . . . .	14
25	Water supply assets, quarries and quarry material in area E . . . . .	14
26	Water supply facilities in area F . . . . .	15
27	Vesting of other assets . . . . .	15
28	Paying amounts under this subdivision . . . . .	16

*Subdivision 2—Rates*

29	Levying rates for areas A, B, C and D . . . . .	16
30	Recovery of unpaid rates for areas A, B, C and D . . . . .	17
31	Levying rates for areas E and F . . . . .	17
32	Recovery of unpaid rates for areas E and F . . . . .	18

*Division 4—Planning schemes and related matters*

33	Existing planning schemes continue . . . . .	18
----	--	----

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34	Decisions of transferring local government taken to be decisions of receiving local government . . . . .	19
35	Outstanding applications about land in areas transferred under pt 2 . . . . .	19
36	Outstanding applications about land in areas E and F . . . . .	20
37	Appeals . . . . .	20

***Division 5—Staff***

38	Rationalisation of staff . . . . .	21
39	Entitlements of transferred officers . . . . .	22

***Division 6—General***

40	Valuation of lands . . . . .	23
41	Roads and bridges . . . . .	23
42	References in documents to transferring local government . . . . .	23
43	Record of vesting of assets . . . . .	23
44	Pending legal proceedings . . . . .	24
45	Duty to facilitate changes in boundaries . . . . .	24

**PART 6—JOINT ARRANGEMENTS**

***Division 1—Joint transitional committees***

46	Establishment of committees . . . . .	25
47	Brisbane/Ipswich joint transitional committee's functions . . . . .	26
48	Ipswich/Boonah joint transitional committee's functions . . . . .	26
49	Conduct of meetings . . . . .	27
50	Term of committee . . . . .	27

***Division 2—Decision-making by joint transitional committees***

51	Decisions to be notified . . . . .	28
52	Local governments may oppose decisions . . . . .	28
53	Adjudication by Minister . . . . .	28

**PART 7—MISCELLANEOUS**

54	Inspection of maps . . . . .	29
----	------------------------------	----

**PART 8—TRANSITIONAL**

55	Existing exemptions from rating for land in area F . . . . .	29
----	--	----

**PART 9—AMENDMENT OF LOCAL GOVERNMENT (AREAS)  
REGULATION 1995**

56	Regulation amended in pt 9 .....	30
57	Amendment of sch 1 (Information about local governments) .....	30
58	Expiry of pt 9 .....	30

**SCHEDULE 1 .....** 31

**LOCAL LAWS NOT CONTINUING TO APPLY TO AREA E  
OR F**

**SCHEDULE 2 .....** 32

**DICTIONARY**

## PART 1—PRELIMINARY

### Short title

1. This regulation may be cited as the *Local Government (Boonah, Brisbane, Esk, Ipswich and Laidley) Regulation 1999*.

### Commencement

2.(1) Sections 10 and 26<sup>1</sup> commence on the changeover day for area F.

(2) Sections 11 and 25<sup>2</sup> commence on the changeover day for area E.

### Objects

3.(1) The objects of this regulation are to—

- (a) implement particular reviewable local government matters recommended by the commission in the report; and
- (b) provide for the delayed implementation of particular reviewable local government matters recommended by the commission in the report; and
- (c) facilitate the implementation of the reviewable local government matters.

(2) This regulation implements the reviewable local government matters involving the following—

- (a) changing the external boundaries of the Shire of Esk and the City of Ipswich by excluding a part of the shire and including the part in the city;
- (b) changing the external boundaries of the Shire of Laidley and the City of Ipswich by—

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<sup>1</sup> Sections 10 (Cities of Ipswich and Brisbane) and 26 (Water supply facilities in area F)

<sup>2</sup> Sections 11 (City of Ipswich and Shire of Boonah) and 25 (Water supply assets, quarries and quarry material in area E)

- (i) excluding a part of the shire and including the part in the city;  
and
- (ii) excluding a part of the city and including the part in the shire;
- (c) changing the external boundaries of the City of Ipswich and the Shire of Boonah by excluding a part of the city and including the part in the shire.

(3) This regulation provides for the delayed implementation of the reviewable local government matters involving changing the external boundaries of the cities of Ipswich and Brisbane and the Shire of Boonah by—

- (a) excluding a part of the City of Ipswich and including the part in the City of Brisbane; and
- (b) excluding a part of the City of Ipswich and including the part in the Shire of Boonah.

## **Definitions**

4. The dictionary in the schedule 2 defines particular words used in this regulation.

## **Gazettal of changeover days for areas E and F**

5.(1) The Minister must, by gazette notice, advise the changeover day for each of areas E and F.

(2) The gazette notice must be published as soon as practicable after the changeover day for the area.

## **PART 2—IMMEDIATE IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS**

### ***Division 1—External boundary changes***

#### **City of Ipswich and Shire of Boonah**

6. The external boundaries of the City of Ipswich and the Shire of Boonah are changed by excluding area C from Ipswich City Council's local government area and including the area in division 1 of Boonah Shire Council's local government area.

#### **City of Ipswich and Shire of Esk**

7. The external boundaries of the City of Ipswich and the Shire of Esk are changed by excluding area D from Esk Shire Council's local government area and including the area in division 5 of Ipswich City Council's local government area.

#### **City of Ipswich and Shire of Laidley**

8. The external boundaries of the City of Ipswich and the Shire of Laidley are changed by—

- (a) excluding area A from Ipswich City Council's local government area and including the area in Laidley Shire Council's local government area; and
- (b) excluding area B from Laidley Shire Council's local government area and including the area in division 12 of Ipswich City Council's local government area.

### ***Division 2—Identification of new external boundaries***

#### **Identification of new external boundaries**

9. The external boundaries of the City of Ipswich and the shires of Boonah, Esk and Laidley resulting from a boundary change made under division 1 are shown on the following maps—

- (a) for the City of Ipswich—map number LGB 66 edition 3;
- (b) for the Shire of Boonah—map number LGB 17 edition 2;
- (c) for the Shire of Esk—map number LGB 50 edition 3;
- (d) for the Shire of Laidley—map number LGB 76 edition 2.

## **PART 3—DELAYED IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS**

#### **Cities of Ipswich and Brisbane**

10.(1) The external boundaries of the cities of Ipswich and Brisbane are changed by excluding area F from Ipswich City Council's local government area and including the area in Brisbane City Council's local government area.

(2) The external boundaries of the cities of Ipswich and Brisbane resulting from the boundary change are shown on the following maps—

- (a) for the City of Ipswich—map number LGB 66 edition 4;
- (b) for the City of Brisbane—map number LGB 1 edition 5.

#### **City of Ipswich and Shire of Boonah**

11.(1) The external boundaries of the City of Ipswich and the Shire of Boonah are changed by excluding area E from Ipswich City Council's local government area and including the area in Boonah Shire Council's local government area.



(2) The external boundaries of the City of Ipswich and the Shire of Boonah resulting from the boundary change are shown on the following maps—

- (a) for the City of Ipswich—map number LGB 66 edition 4;
- (b) for the Shire of Boonah—map number LGB 17 edition 3.

## **PART 4—CONDUCT OF 2000 TRIENNIAL ELECTIONS**

### **Application of pt 4**

**12.** This part applies to the conduct of the 2000 triennial elections for the election of councillors for Boonah Shire Council, Brisbane City Council and Ipswich City Council (the “**2000 triennial elections**”).

### **Conduct of 2000 triennial elections**

**13.(1)** The 2000 triennial elections must be conducted as if sections 10 and 11 had commenced.

(2) To remove any doubt, it is declared that for the 2000 triennial elections—

- (a) the external boundary of Boonah Shire Council’s, Brisbane City Council’s or Ipswich City Council’s local government area is taken to be the area’s external boundary shown on the map for the area mentioned in section 10 or 11; and
- (b) an elector in area E is taken to be an elector for the election of councillors for Boonah Shire Council; and
- (c) an elector in area F is taken to be an elector for the election of councillors for Brisbane City Council.

### **Qualification for office of mayor or councillor**

**14.** For the qualifications of the mayor and other councillors—

- (a) a person who lives in area E is taken to live in Boonah Shire Council's local government area; and
- (b) a person who lives in area F is taken to live in Brisbane City Council's local government area.

### **Term of office as councillor**

**15.** The term of office of a person elected as the mayor or other councillor at the 2000 triennial elections starts on—

- (a) for Boonah Shire Council, the changeover day for area E; or
- (b) for Brisbane City Council, the changeover day for area F; or
- (c) for Ipswich City Council, the later of the changeover days mentioned in paragraphs (a) and (b).

## **PART 5—PROVISIONS FOR FACILITATING IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS**

### ***Division 1—Role of receiving local government***

### **Receiving local government to take over certain functions and powers**

**16.(1)** This section applies if, under an Act—

- (a) a local government may perform a function or exercise a power; and
- (b) a transferring local government started to perform the function or exercise the power for a transferred area before the changeover day for the area, but did not finish performing the function or exercising the power.

(2) The transferred area's receiving local government may continue to perform the function or exercise the power.

*Example—*

If a person, before the commencement of this section, made an application under an Act to Ipswich City Council about land included in the Shire of Boonah under section 6, Boonah Shire Council may deal with the application.

### **Application of local laws to transferred area**

**17.(1)** A local law that applied to a transferred area immediately before the changeover day for the area continues to apply to the area until the area's receiving local government, by local law, applies its local laws to the area.

(2) Subsection (1) does not apply to a local law mentioned in schedule 1<sup>3</sup> that applied to area E or F immediately before the changeover day for the area.

## ***Division 2—Instruments***

### **Existing instruments continue in force**

**18.(1)** This section applies to an instrument, other than a local law or an instrument made under the Planning Act, that—

- (a) was made by a transferring local government under an Act or a local law before the changeover day for an area transferred from the local government about—
  - (i) a resident in the transferred area; or
  - (ii) an owner of land in the transferred area; or
  - (iii) land in the transferred area; or
  - (iv) a person's entitlement to carry out an activity in the transferred area; and
- (b) is in force immediately before the commencement of this section.

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<sup>3</sup> Schedule 1 (Local laws not continuing to apply to area E or F)

(2) For the transferred area's receiving local government dealing with an instrument made under a local law—

- (a) the local law under which the instrument was made is taken to be a local law of the receiving local government; and
- (b) the instrument is taken to have been made by the receiving local government under the local law and in force for the transferred area; and
- (c) the receiving local government is responsible for administering the local law to deal with the instrument; and
- (d) the instrument continues in force until it would have otherwise ceased to have effect under the local law.

(3) For the receiving local government dealing with an instrument made under an Act (the “**Act**”), the instrument is taken to have been properly made under the Act by the receiving local government and continues in force until it would otherwise have ceased to have effect under the Act.

### ***Division 3—Financial matters***

#### ***Subdivision 1—Assets and liabilities for areas E and F***

##### **Application of sdiv 1**

**19.** This subdivision applies only to areas E and F.

##### **Amount payable by Boonah Shire Council to Ipswich City Council**

**20.** Boonah Shire Council must pay Ipswich City Council \$596 143.

##### **Amount payable by Brisbane City Council to Ipswich City Council**

**21.** Brisbane City Council must pay Ipswich City Council \$1 065 202.80.

### **Amount for accrued annual and long service leave for Ipswich City Council officers**

**22.(1)** Ipswich City Council must pay to each receiving local government the accrued leave amount for the council's officers (the **"transferred officers"**) who are to be transferred to the receiving local government under section 38.<sup>4</sup>

**(2)** In this section—

**"accrued leave"** means accrued annual and long service leave.

**"accrued leave amount"**, for transferred officers, means the amount Ipswich City Council would be liable to pay for the officers' accrued leave calculated immediately before the changeover day for the area transferred to the receiving local government under part 3.

### **Plant and equipment used by transferred officers**

**23.(1)** This section applies to plant and equipment used on a full-time basis by transferred officers.

**(2)** Before the changeover day for area E, the Ipswich/Boonah joint transitional committee must decide the plant and equipment that is to vest in Boonah Shire Council on its changeover day.

**(3)** Before the changeover day for area F, the Brisbane/Ipswich joint transitional committee must decide the plant and equipment that is to vest in Brisbane City Council on its changeover day.

**(4)** Plant and equipment decided by a joint transitional committee for vesting in a receiving local government under subsection (2) or (3)—

- (a) must be of the average standard of plant and equipment of the type used by Ipswich City Council in its local government area; and
- (b) are vested in the receiving local government on its changeover day.

**(5)** In this section—

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<sup>4</sup> Section 38 (Rationalisation of staff)

**“changeover day”**, for a receiving local government, means the changeover day for an area transferred to the receiving local government under part 3.

**“used on a full-time basis”**, by a transferred officer, means plant and equipment normally used by the officer in the officer’s full-time employment with Ipswich City Council.

### **Ipswich City Council capital works expenditure after 30 June 1998**

**24.(1)** This section applies to Ipswich City Council’s net expenditure incurred after 30 June 1998 for capital works in areas E and F.

**(2)** Boonah Shire Council must pay to Ipswich City Council one-half of the net expenditure incurred for capital works in area E.

**(3)** Brisbane City Council must pay to Ipswich City Council one-half of the net expenditure incurred for capital works in area F.

**(4)** If the works are to be carried out in the 1999/2000 financial year, this section applies to the net expenditure for the works only if the capital works are approved by the relevant joint transitional committee for the area.

**(5)** In this section—

**“net expenditure”**, for capital works, means the amount of the expenditure less any Commonwealth or State government subsidies received for the works.

### **Water supply assets, quarries and quarry material in area E**

**25.(1)** Water supply assets in area E remain the property of Ipswich City Council.

**(2)** Ipswich City Council and Boonah Shire Council must enter into an agreement about the supply of water to residents in area E, and maintenance of the water supply assets.

**(3)** The agreement must be effective on the changeover day for area E.

**(4)** The following assets that are the property of Ipswich City Council immediately before the changeover day for the area remain the property of the council—

- (a) lot 2 on registered plan 115777;
- (b) crushed gravel on land located on Schimke Road, off the Rosevale-Aratula Road and identified in the report, volume 1, item 6.10.

(5) In this section—

**“water supply assets”** means ground storage tanks and the water supply system.

### **Water supply facilities in area F**

**26.(1)** Water supply facilities owned by Ipswich City Council in area F remain the property of the council.

(2) Brisbane and Ipswich city councils must enter into an agreement about the supply of water to residents in area F and maintenance of the water supply facilities.

(3) The agreement must be effective on the changeover day for area F.

(4) In this section—

**“water supply facilities”** means bulk water supply delivery mains over 300 mm in diameter.

### **Vesting of other assets**

**27.(1)** This section applies to an Ipswich City Council asset that—

- (a) is used for or in relation to area E or F; and
- (b) is not otherwise mentioned in this subdivision.

(2) The Brisbane/Ipswich joint transitional committee must decide which of the assets are to vest in Brisbane City Council.

(3) The Ipswich/Boonah joint transitional committee must decide which of the assets are to vest in Boonah Shire Council.

(4) On making a decision under subsection (2) or (3), a joint transitional committee must prepare, and give to the Minister, a schedule identifying the assets that are to vest in Brisbane City Council or Boonah Shire Council.

(5) If a joint transitional committee does not comply with subsection (4) by 30 June 2000, the Minister must decide which of the assets are to vest in Brisbane City Council or Boonah Shire Council.

(6) The Minister must, by gazette notice, state—

- (a) each asset that is to vest in a local government under this section; and
- (b) the local government in which the asset is to vest.

(7) The asset vests in the stated local government—

- (a) on the day the notice is gazetted; or
- (b) on a later day stated in the notice.

### **Paying amounts under this subdivision**

**28.(1)** An amount required to be paid by Ipswich City Council to a receiving local government or by a receiving local government to the council under this subdivision, must be paid within 30 days after the changeover day for an area transferred to the receiving local government under part 3.

(2) An amount may, at the request of the Ipswich City Council and the relevant receiving local government, be paid by way of adjustment of the accounts of the council and the receiving local government with Queensland Treasury Corporation.

(3) Queensland Treasury Corporation must make the adjustment as soon as practicable after receiving the request.

### ***Subdivision 2—Rates***

### **Levying rates for areas A, B, C and D**

**29.(1)** This section applies if, immediately before the changeover day for area A, B, C or D, the area's transferring local government—

- (a) made or imposed a rate on land in the area; but
- (b) had not given a notice levying the rate on a person or otherwise



demanded payment of the rate.

(2) The area's receiving local government may give the person a notice levying the rate, or may otherwise demand payment of the rate, in the same way as the area's transferring local government could have given the notice or demanded payment.

(3) The area's receiving local government is taken to have made or imposed the rate.

### **Recovery of unpaid rates for areas A, B, C and D**

**30.(1)** This section applies if—

- (a) before the changeover day for a transferred area the area's transferring local government made and levied, or imposed and levied, a rate about land in the area on a person; and
- (b) immediately before the changeover day the rate had not been paid.

(2) If the time for payment of the rate had not ended before the changeover day—

- (a) the time continues to run; and
- (b) the amount of the rate is payable by the person to the transferring local government.

(3) If the time for payment of the rate ended before the changeover day, the rate, and any interest accruing on the rate, is payable by the person to the transferring local government.

### **Levying rates for areas E and F**

**31.(1)** This section applies if, immediately before the changeover day for area E or F, Ipswich City Council—

- (a) made or imposed a rate on land in the area for the quarter starting 1 April 2000; but
- (b) had not given a notice levying the rate on a person.

(2) Ipswich City Council must give the person a notice levying the rate.

(3) Ipswich City Council must give amounts it receives in payment of

the rate to the receiving local government as soon as practicable after receiving the amounts.

### **Recovery of unpaid rates for areas E and F**

**32.(1)** If a person fails to pay a rate made or imposed on land in area E or F by Ipswich City Council under section 31(2)—

- (a) the area's receiving local government may take action against the person to obtain payment of the rate; and
- (b) for the purpose, is taken to have made or imposed the rate.

**(2)** If a person pays an amount to the receiving local government after the receiving local government has taken action under subsection (1)(a), the person is taken to have complied with the notice or other demand given by Ipswich City Council under section 31(2).

## ***Division 4—Planning schemes and related matters***

### **Existing planning schemes continue**

**33.(1)** An existing planning scheme for a transferred area—

- (a) continues to apply to the area until—
  - (i) its receiving local government amends its planning scheme to include the area; or
  - (ii) a new planning scheme for the area prepared by its receiving local government is approved under the Planning Act; and
- (b) is to be implemented, administered and enforced by the receiving local government so far as it relates to the transferred area; and
- (c) for paragraph (b), is taken to be part of the receiving local government's planning scheme for the area; and
- (d) binds the receiving local government.

**(2)** An instrument in force under an existing planning scheme for a transferred area, immediately before the changeover day for the transferred area, continues in force until whichever of the following first happens—

- (a) the instrument expires or is repealed under the existing planning scheme;
- (b) the scheme or a relevant part of it is replaced.

### **Decisions of transferring local government taken to be decisions of receiving local government**

**34.(1)** This section applies to a decision about land in a transferred area made, under an existing planning scheme, by the area's transferring local government before the changeover day for the area.

**(2)** The decision continues to apply to the land and for that purpose is taken to have been made by the area's receiving local government.

### **Outstanding applications about land in areas transferred under pt 2**

**35.(1)** This section applies to an application about land in an area transferred under part 2 that—

- (a) was made to the area's transferring local government under an Act or an existing planning scheme, before the changeover day for the area; but
- (b) was not finally decided before the changeover day.

**(2)** As soon as practicable after the changeover day, the transferring local government must pay the fees received by it for the application to the area's receiving local government.

**(3)** The receiving local government must deal with the application.

**(4)** If, before the changeover day, the transferring local government started to investigate the application, it is sufficient compliance with subsection (2) if, as soon as practicable after the changeover day, the transferring local government gives the receiving local government—

- (a) the results of the transferring local government's investigation of the application; and
- (b) the fees received by it, less a reasonable amount for the costs of its investigation.

## **Outstanding applications about land in areas E and F**

**36.(1)** This section applies if, before the changeover day for area E or F—

- (a) Ipswich City Council receives a development application for land in the area; and
- (b) an impact assessment is required for the proposed development.

**(2)** Subject to subsections (3) and (4), Ipswich City Council must decide the application.

**(3)** If the area transfers to the Shire of Boonah under part 3, Ipswich City Council must give written notice of the development application to Boonah Shire Council and consider submissions made by the shire council before deciding the application.

**(4)** If the area transfers to the City of Brisbane under part 3, Ipswich City Council must give written notice of the development application to Brisbane City Council and consider submissions made by Brisbane City Council before deciding the application.

**(5)** In this section—

**“development application”** means an application for development approval under the *Integrated Planning Act 1997*.

**“impact assessment”** see the *Integrated Planning Act 1997*, schedule 10.<sup>5</sup>

## **Appeals**

**37.(1)** This section applies to an appeal—

- (a) started before the changeover day for a transferred area against a decision of the area’s transferring local government made under an existing planning scheme for the area; but
- (b) not finished before the changeover day.

<sup>5</sup> *Integrated Planning Act*, schedule 10—

**“impact assessment”** means the assessment (other than code assessment) of—

- (a) the environmental effects of proposed development; and
- (b) the ways of dealing with the effects.

(2) The area's receiving local government takes the place of the transferring local government in the appeal.

### ***Division 5—Staff***

#### **Rationalisation of staff**

**38.(1)** The Brisbane/Ipswich joint transitional committee must decide the Ipswich City Council officers, if any—

- (a) whose duties, immediately before the changeover day for area F, directly relate to the area; and
- (b) who, because of the area's transfer to the City of Brisbane under part 3, are to be transferred to Brisbane City Council or retrenched or made redundant on the changeover day.

(2) If an officer is retrenched or made redundant under subsection (1)—

- (a) the officer is entitled to be paid an amount for the retrenchment or redundancy in accordance with the retrenchment or redundancy arrangements applying to the officer immediately before the changeover day for area F; and
- (b) Ipswich City Council is responsible for paying the part of the amount attributable to the officer's accrued entitlements; and
- (c) Ipswich City Council and Brisbane City Council are equally responsible for paying the balance of the amount.

(3) The Ipswich/Boonah joint transitional committee must decide the Ipswich City Council officers, if any—

- (a) whose duties, immediately before the changeover day for area E, directly relate to the area; and
- (b) who, because of the area's transfer to the Shire of Boonah under part 3, are to be transferred to Boonah Shire Council or retrenched or made redundant on the changeover day.

(4) If an officer is retrenched or made redundant under subsection (3)—

- (a) the officer is entitled to be paid an amount for the retrenchment or redundancy in accordance with the retrenchment or redundancy

arrangements applying to the officer immediately before the changeover day for area E; and

- (b) Ipswich City Council is responsible for paying the part of the amount attributable to the officer's accrued entitlements; and
- (c) Ipswich City Council and Boonah Shire Council are equally responsible for paying the balance of the amount.

### **Entitlements of transferred officers**

**39.(1)** This section applies to an Ipswich City Council officer who is transferred to Boonah Shire Council or Brisbane City Council (the “**new position**”) under a joint transitional committee decision.

**(2)** The officer is entitled to—

- (a) all existing and accruing rights of employment applying to the officer immediately before the transfer; and
- (b) employment in the new position on conditions that are no less favourable to the officer than the conditions under which the officer was employed immediately before the transfer.

**(3)** Subsection (2)(b) applies only until the local government to which the officer is transferred enters into an agreement under the *Workplace Relations Act 1997*, after the transfer, that applies to the officer.

**(4)** If the officer's salary for the new position is less than the salary to which the officer was entitled for the permanent position the officer held immediately before the transfer (the “**former position**”), the officer must be paid an allowance that is enough to maintain the officer's salary at the salary applying to the former position.

**(5)** Subsection (4) applies only until—

- (a) the officer ceases to be an employee of the local government to which the officer is transferred; or
- (b) the officer is appointed to a position in the local government to which the officer is transferred and the salary for the position is equal to, or more than, the salary for the former position; or

- (c) the end of 1 year after the officer's appointment to the new position.

### ***Division 6—General***

#### **Valuation of lands**

**40.(1)** The valuation of land in a transferred area immediately before the changeover day for the area continues to be the valuation of the land until a further valuation applies to the land.

**(2)** Subsection (1) applies subject to an objection or appeal under the *Valuation of Land Act 1944* about the valuation, but the objection or appeal may not be based on the fact that the land is no longer in the same local government area as it was at the time of the valuation.

**(3)** In this section—

**“valuation”**, of land, means the unimproved value of the land under the *Valuation of Land Act 1944*.

#### **Roads and bridges**

**41.** To remove any doubt, it is declared that the materials of all roads and bridges in a transferred area belong to the area's receiving local government.

#### **References in documents to transferring local government**

**42.** In a document about a transferred area (including, for example, a contract to which the area's transferring local government is a party), a reference to the transferring local government may, if the context permits, be taken to be a reference to the area's receiving local government.

#### **Record of vesting of assets**

**43.(1)** This section applies if—

- (a) under section 27,<sup>6</sup> an asset is vested in a transferred area's receiving local government; and
- (b) under another Act a person is responsible for keeping a register about dealings with the asset.

(2) The transferring and receiving local governments must do all acts and things necessary to record the vesting in the register.

### **Pending legal proceedings**

**44.(1)** This section applies to a legal proceeding by or against a transferred area's transferring local government that—

- (a) is not finished before the changeover day for the area; and
- (b) is identified by the Minister by gazette notice.

(2) The legal proceeding may be continued and finished by or against the area's receiving local government stated by the Minister in the gazette notice for the legal proceeding.

### **Duty to facilitate changes in boundaries**

**45.(1)** A transferred area's transferring local government must do all acts and things necessary or desirable to facilitate external boundary changes made under this regulation.

(2) Without limiting subsection (1), the transferring local government must give the area's receiving local government the records that are necessary to enable compliance with this regulation.

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<sup>6</sup> Section 27 (Vesting of other assets)



## **PART 6—JOINT ARRANGEMENTS**

### ***Division 1—Joint transitional committees***

#### **Establishment of committees**

**46.(1)** To facilitate the external boundary changes mentioned in section 10,<sup>7</sup> the Brisbane/Ipswich joint transitional committee is established.

**(2)** The committee consists of the following members—

- (a) 2 councillors from Brisbane City Council;
- (b) 2 councillors from Ipswich City Council;
- (c) an independent chairperson agreed to by the Brisbane and Ipswich city councils.

**(3)** To facilitate the external boundary changes mentioned in section 11,<sup>8</sup> the Ipswich/Boonah joint transitional committee is established.

**(4)** The committee consists of the following members—

- (a) 2 councillors from Boonah Shire Council;
- (b) 2 councillors from Ipswich City Council;
- (c) an independent chairperson agreed to by the Boonah Shire Council and Ipswich City Council.

**(5)** If the councils can not agree on an independent chairperson within 2 months after the commencement of this section, the independent chairperson is the person decided and appointed by the Minister by gazette notice.

**(6)** The independent chairperson has a deliberative and a casting vote in the committee's decisions.

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<sup>7</sup> Section 10 (Cities of Ipswich and Brisbane)

<sup>8</sup> Section 11 (City of Ipswich and Shire of Boonah)

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**Brisbane/Ipswich joint transitional committee's functions**

**47.** The Brisbane/Ipswich joint transitional committee's functions are—

- (a) to decide the assets that are to be vested in the Brisbane City Council after the changeover day for area F; and
- (b) to settle joint agreements between the Brisbane and Ipswich city councils for matters arising because of the transfer of area F to the City of Brisbane under part 3, including the following—
  - (i) capital works expenditure;
  - (ii) water supply to a transferred area;
  - (iii) maintenance of boundary roads;
  - (iv) use of library and community facilities by residents in the transferred area;
  - (v) catchment management;
- (c) to decide the employees, if any, who, because of the transfer of area F to the City of Brisbane under part 3, are to be transferred to Brisbane City Council or retrenched or made redundant;
- (d) to enter contracts for services, including, for example, electricity, sewerage, waste and water services, for the area;
- (e) to make recommendations about other matters the committee considers appropriate.

**Ipswich/Boonah joint transitional committee's functions**

**48.** The Ipswich/Boonah joint transitional committee's functions are—

- (a) to decide the assets that are to be vested in the Boonah Shire Council after the changeover day for area E; and
- (b) to settle joint agreements between the Boonah Shire Council and Ipswich City Council for matters arising because of the transfer of area E to the Shire of Boonah under part 3, including the following—
  - (i) capital works expenditure;
  - (ii) water supply to a transferred area;

- 
- (iii) the use of recycling and refuse facilities in Faulkners Quarry Road;
  - (iv) maintenance of boundary roads;
  - (v) use of library and community facilities by residents in a transferred area;
  - (vi) catchment management;
  - (c) to decide the employees, if any, who, because of the transfer of area E to the Shire of Boonah under part 3, are to be transferred to Boonah Shire Council or retrenched or made redundant;
  - (d) to enter contracts for services, including, for example, electricity, sewerage, waste and water services, for the area;
  - (e) to make recommendations about other matters the committee considers appropriate.

### **Conduct of meetings**

**49.(1)** A joint transitional committee may conduct its meetings in the way it considers appropriate.

**(2)** Committee meetings are to be held at the times and places the committee decides.

**(3)** The following 3 members form a quorum—

- (a) 1 councillor from Ipswich City Council;
- (b) 1 councillor from the other local government forming the committee;
- (c) the chairperson.

### **Term of committee**

**50.** A joint transitional committee ceases to exist on 30 June 2000.

## ***Division 2—Decision-making by joint transitional committees***

### **Decisions to be notified**

**51.** After making a decision, a joint transitional committee must immediately give written notice of the decision to the chief executive officer of each local government represented on the committee.

### **Local governments may oppose decisions**

**52.(1)** Within 14 days after receiving a notice under section 51, a local government may give the Minister written notice that the local government opposes the decision and the reasons it opposes the decision.

**(2)** The local government must, at the same time, give a copy of the notice to the chief executive officer of the other local government represented on the joint transitional committee (the “**other local government**”).

**(3)** Within 14 days after receiving a copy of a notice under subsection (2), the other local government may give the Minister a written submission about the decision.

### **Adjudication by Minister**

**53.(1)** This section applies if the Minister receives a notice under section 52(1) about a joint transitional committee decision (the “**opposed decision**”).

**(2)** The Minister must, after considering any submission properly made by a local government about the opposed decision, confirm or revoke it.

**(3)** The Minister must give written notice of the Minister’s decision to the chief executive officer of each local government represented on the committee.

## PART 7—MISCELLANEOUS

### Inspection of maps

**54.** A map mentioned in this regulation may be inspected at—

- (a) the department's head office;<sup>9</sup> or
- (b) the local government head office for the local government area the boundary of which is shown on the map.<sup>10</sup>

## PART 8—TRANSITIONAL

### Existing exemptions from rating for land in area F

**55.(1)** This section applies to land in area F that, immediately before the changeover day for the area, was exempt from rating under the Act, section 957(1)(f).<sup>11</sup>

**(2)** The exemption—

- (a) is taken to have been given under the *City of Brisbane Act 1924*, section 47(1)(c);<sup>12</sup> and
- (b) continues to apply until 30 June 2001.

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<sup>9</sup> The department's head office is at 111 George Street, Brisbane.

<sup>10</sup> Boonah Shire Council, 70 High Street, Boonah;  
Brisbane City Council, 67 Ann Street, Brisbane;  
Esk Shire Council, 2 Redbank Street, Esk;  
Ipswich City Council, 50 South Street, Ipswich;  
Laidley Shire Council, Spicer Street, Laidley.

<sup>11</sup> Section 957 of the Act (What land is rateable?)

<sup>12</sup> *City of Brisbane Act 1924*, section 47 (What land is rateable?)

## **PART 9—AMENDMENT OF LOCAL GOVERNMENT (AREAS) REGULATION 1995**

### **Regulation amended in pt 9**

**56.** This part amends the *Local Government (Areas) Regulation 1995*.

### **Amendment of sch 1 (Information about local governments)**

**57.(1)** Schedule 1, entry for Boonah, column 3, ‘Edition 1’—

*omit, insert—*

‘Edition 2’.

**(2)** Schedule 1, entry for Esk, column 3, ‘Edition 2’—

*omit, insert—*

‘Edition 3’.

**(3)** Schedule 1, entry for Ipswich, column 3, ‘Edition 2’—

*omit, insert—*

‘Edition 3’.

**(4)** Schedule 1, entry for Laidley, column 3, ‘Edition 1’—

*omit, insert—*

‘Edition 2’.

### **Expiry of pt 9**

**58.** This part expires the day after it commences.

## **SCHEDULE 1**

### **LOCAL LAWS NOT CONTINUING TO APPLY TO AREA E OR F**

section 17(2)

#### **PART 1—AREA E**

Local law 5—Meetings

Local law 27—Regulated parking

Local law 46—Libraries

#### **PART 2—AREA F**

Local law 5—Meetings

## SCHEDULE 2

### DICTIONARY

#### section 4

**“2000 triennial elections”** see section 12.

**“area A”** means area A shown on map number LGR 7.

**“area B”** means area B shown on map number LGR 7.

**“area C”** means area C shown on map number LGR 7.

**“area D”** means area D shown on map number LGR 7.

**“area E”** means area E shown on map number LGR 7.

**“area F”** means area F shown on map number LGR 7.

**“Brisbane/Ipswich joint transitional committee”** means the Brisbane/Ipswich joint transitional committee established under section 46(1).

**“changeover day”** means—

- (a) for area A, B, C or D—the commencement of part 2; or
- (b) for area E—the later of the following days—
  - (i) the day on which the last declaration for the 2000 triennial election of councillors of the Ipswich City Council is displayed in the council’s public office under section 371(2)(a) of the Act;
  - (ii) the day on which the last declaration for the 2000 triennial election of councillors of the Boonah Shire Council is displayed in the council’s public office under section 371(2)(a) of the Act; or
- (c) for area F—the later of the following days—
  - (i) the day on which the last declaration for the 2000 triennial election of councillors of the Ipswich City Council is



SCHEDULE 2 (continued)

displayed in the council's public office under section 371(2)(a) of the Act;

- (ii) the day on which the name of the last candidate elected at the 2000 triennial election of councillors of the Brisbane City Council is published in the gazette under the *Electoral Act 1992*, section 123(2)(c).

**“existing planning scheme”**, for a transferred area, means the planning scheme in force for the area immediately before the changeover day for the area.

**“Ipswich/Boonah joint transitional committee”** means the Ipswich/Boonah joint transitional committee established under section 46(3).

**“joint transitional committee”** means the Brisbane/Ipswich joint transitional committee or the Ipswich/Boonah joint transitional committee.

**“officer”**, of Ipswich City Council, means an employee of the council other than—

- (a) an employee who has been engaged on a temporary basis for less than 1 year; or
- (b) an employee engaged on a casual basis; or
- (c) a person who has not been appointed to a position and is engaged on a contract basis including, for example, a contract to supervise or undertake a specific capital works project, a research project or another specific consultancy, project or task.

**“Planning Act”** means the *Integrated Planning Act 1997*.

**“planning scheme”** includes a former planning scheme under the Planning Act.

**“rate”** means a rate or charge levied or imposed under the Act by a local government on land in the local government's area, and includes any interest accrued, or premium owing, on the rate or charge.

## SCHEDULE 2 (continued)

**“receiving local government”** means—

- (a) for a transferred area—the local government for the area after the changeover day for the area; and
- (b) for part 5, division 3, subdivision 1—Boonah Shire Council or Brisbane City Council.

**“report”** means the report of the commission tabled in the Legislative Assembly on 20 October 1998 about the commission’s review of possible changes to the external boundaries of the cities of Ipswich and Brisbane and the shires of Boonah, Laidley and Esk.<sup>13</sup>

**“reviewable local government matter”** means a reviewable local government matter mentioned in the report.

**“transfer”**, an area, means exclude the area from a local government area and include the area in another local government area.

**“transferred area”** means area A, B, C, D, E or F.

**“transferred officer”** for part 5, division 3, subdivision 1, see section 22(1).

**“transferring local government”**, for a transferred area, means the local government for the area before the changeover day for the area.

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ENDNOTES

- 1. Made by the Governor in Council on 4 February 1999.
- 2. Notified in the gazette on 5 February 1999.
- 3. Laid before the Legislative Assembly on . . .
- 4. The administering agency is the Department of Communication and Information, Local Government and Planning.

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<sup>13</sup> The commission’s report may be inspected at the department’s office at 126 Margaret Street, Brisbane.