



Queensland

Local Government Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 86

made under the

Local Government Act 2009

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1 Short title

This regulation may be cited as the *Local Government Amendment Regulation (No. 1) 2013*.

2 Commencement

This regulation commences on 31 May 2013.

3 Regulation amended

This regulation amends the *Local Government Regulation 2012*.

4 Amendment of s 2 (Definitions)

Section 2, ‘schedule 7’—

omit, insert—

schedule 8

5 Insertion of new ch 2, pt 2, div 3

Chapter 2, part 2—

insert—

**Division 3 Implementing particular
 local government changes**

13A What div 3 is about

This division provides for the following—

- (a) implementing, under section 20 of the Act, local government changes relating to a change of the boundaries of a local government area;
- (b) facilitating the implementation of the local government changes mentioned in paragraph (a).

13B Implementing local government changes relating to changes of the boundaries of local government areas

- (1) Schedule 3, part 1 implements the local government changes mentioned in it.
- (2) Schedule 3, part 2 makes provision for facilitating the implementation of each local government change mentioned in schedule 3, part 1.

6 Amendment of s 33 (Applying the competitive neutrality principle)

Section 33(3), ‘schedule 3’—

omit, insert—

schedule 4

7 Amendment of s 132 (What are *overdue* rates or charges and when do they become *overdue*)

Section 132(1)(a)(i), (2), (4)(a) and (5), ‘rates notice’—

omit, insert—

rate notice

8 Amendment of s 291 (Contents of registers of interests)

Section 291(1), ‘schedule 4’—

omit, insert—

schedule 5

9 Amendment of s 300 (Local government entities—Act, s 216A)

Section 300, ‘schedule 5’—

omit, insert—

schedule 6

10 Amendment of s 301 (Persons eligible for membership of the scheme—Act, s 218)

Section 301, ‘schedule 6’—

omit, insert—

schedule 7

11 Amendment of sch 1 (Prescribed information about local governments)

(1) Schedule 1, entry for Ipswich, column 3, ‘LGB 35 edition 2’—

omit, insert—

LGB 35 edition 3

(2) Schedule 1, entry for Somerset, column 3, ‘LGB 60’—

omit, insert—

LGB 60 edition 2

12 Renumbering of schs 3 to 7

Schedules 3 to 7—

renumber as schedules 4 to 8.

13 Insertion of new sch 3

After schedule 2—

insert—

Schedule 3 Implementing local government changes relating to changes of the boundaries of local government areas

section 13B

Part 1 Implementation

1 Change in external boundaries of the Ipswich and Somerset areas

- (1) The part of lot 2 on plan RP164048 within the Somerset Regional Council's local government area on 30 May 2013 is excluded from the Somerset Regional Council's local government area and included in the Ipswich City Council's local government area.
- (2) The local government change mentioned in subsection (1) takes effect on 31 May 2013.

Note—

A copy of the change commission's report titled 'Report on a change to the external boundaries of the Ipswich City Council and Somerset Regional Council' dated April 2013 can be viewed on the website of the Electoral Commission of Queensland.

Part 2 Facilitation of implementation

2 Definitions for pt 2

In this part—

current local government, for a relevant area, means the local government for the area immediately after the transfer day.

former local government, for a relevant area, means the local government for the area immediately before the transfer day.

relevant area means an area that, under a local government change mentioned in part 1, is excluded from a local government's local government area and included in another local government's local government area.

transfer day, for a relevant area, means the day the local government change relating to the area takes effect under part 1.

3 Unfinished actions of former local government

(1) This section applies to an action started by the former local government for a relevant area that—

(a) relates to the relevant area; and

(b) has not been finalised before the transfer day.

(2) The action is taken to have been started by the current local government for the relevant area.

(3) In this section—

action means the performance of a function or the exercise of a power, including, for example, the following—

- (a) making a decision on, or considering, an application about land;
- (b) taking action in relation to an amount of rates for land;
- (c) making a demand for payment of an amount of rates;
- (d) making a requirement under an Act.

4 Assets and public works in the relevant area

Any assets and public works in a relevant area belonging to the former local government for the relevant area immediately before the transfer day belong, from the transfer day, to the current local government for the relevant area.

Example of what may be an asset belonging to a local government—

material associated with a road or bridge

5 Application fees

- (1) This section applies to an application made to the former local government for a relevant area that—
 - (a) relates to the relevant area; and
 - (b) was made under an Act or planning scheme; and
 - (c) has not been decided immediately before the transfer day.
- (2) As soon as practicable after the transfer day, the former local government for the relevant area must pay the fee received for the application to the current local government for the relevant area.

6 Planning scheme for the relevant area

- (1) The planning scheme of a former local government for a relevant area (the *existing planning scheme*) continues to apply to the relevant area after the transfer day until the current local government for the relevant area amends its planning scheme or makes a new planning scheme.
- (2) The existing planning scheme must be implemented, administered and enforced, in relation to the relevant area, by the current local government for the relevant area as if the existing planning scheme were part of the current local government's planning scheme.

7 References in documents to former local government

In a document relating to a relevant area, a reference to the former local government for the relevant area may, as appropriate, be taken to be a reference to the current local government for the relevant area.

8 Duty to assist with change to boundaries of local government areas

- (1) The former local government for a relevant area and the current local government for the relevant area must do all acts and other things necessary to help in the implementation of the change of the boundaries of their local government areas.
- (2) Without limiting subsection (1), the former local government for the relevant area must give the current local government for the relevant area the records necessary to enable compliance with this schedule.

14 Amendment of sch 4 (Pricing provisions)

- (1) Schedule 4, as renumbered, authorising provision, ‘schedule 7’—

omit, insert—

schedule 8

- (2) Schedule 4, as renumbered, section 1, heading, ‘sch 3’—

omit, insert—

sch 4

15 Amendment of sch 5 (Financial and non-financial particulars for registers of interests)

Schedule 5, as renumbered, section 1, heading, ‘sch 4’—

omit, insert—

sch 5

16 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, as renumbered—

insert—

current local government, for schedule 3, part 2, see schedule 3, part 2, section 1.

former local government, for schedule 3, part 2, see schedule 3, part 2, section 1.

relevant area, for schedule 3, part 2, see schedule 3, part 2, section 1.

transfer day, for schedule 3, part 2, see schedule 3, part 2, section 1.

- (2) Schedule 8, as renumbered, definition *pricing provisions*, ‘schedule 3’—

omit, insert—

schedule 4

ENDNOTES

- 1 Made by the Governor in Council on 30 May 2013.
- 2 Notified in the gazette on 31 May 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Local Government, Community Recovery and Resilience.

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