



Queensland

# Local Government Legislation Amendment Regulation (No. 1) 2014

## Subordinate Legislation 2014 No. 290

made under the

*City of Brisbane Act 2010*

*Local Government Act 2009*

*Local Government Electoral Act 2011*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Local Government Legislation Amendment Regulation (No. 1) 2014*.

### **2 Commencement**

Part 4 commences on 1 January 2015.

## **Part 2 Amendment of City of Brisbane Regulation 2012**

### **3 Regulation amended**

This part amends the *City of Brisbane Regulation 2012*.

### **4 Amendment of s 16 (Thresholds for significant business activities—Act, s 47(4)(b))**

Section 16(2), ‘\$8.9m’—

*omit, insert—*

\$9m

### **5 Amendment of s 29 (Prescribed business activities—Act, s 51(7))**

Section 29(1), ‘\$312,000’—

*omit, insert—*

\$318,000

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**6 Amendment of s 87 (Levying special rates or charges)**

Section 87(14)—

*omit, insert—*

- (14) In any proceedings about special rates or charges, a resolution or overall plan mentioned in subsection (2) is not invalid merely because the resolution or plan—
- (a) does not identify all rateable land on which the special rates or charges could have been levied; or
  - (b) incorrectly includes rateable land on which the special rates or charges should not have been levied.

**7 Amendment of s 91 (Returning special rates or charges incorrectly levied)**

Section 91(1), after ‘apply’—

*insert—*

or should not have been levied

**8 Insertion of new s 108A**

Chapter 4, part 9, division 3—

*insert—*

**108A Limitation of increase in rates or charges levied continues after compulsory acquisition of land**

- (1) This section applies if—
- (a) the council resolves, under section 108, to limit the increase in the rates or charges levied on rateable land (a *rates cap*); and
  - (b) part of the rateable land is—

[s 8]

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- (i) compulsorily acquired by a government entity; or
  - (ii) otherwise acquired by the department administering the *Transport Planning and Coordination Act 1994*.
- (2) Until the council resolves otherwise, the rates and charges levied on the remainder are reduced to the divided amount.
- (3) However, the resolution can not be made before the next budget meeting of the council that occurs after the application of the rates cap.
- (4) In this section—

***compulsorily acquired***, for part of rateable land, means acquired under an Act, or a law of the Commonwealth, that authorises the compulsory acquisition of land by a government entity.

*Example—*

land taken under the *Acquisition of Land Act 1967*

***divided amount*** means the amount worked out by—

- (a) dividing the amount of the rates or charges levied on the rateable land by the number of square metres of the rateable land; and
- (b) multiplying the amount calculated under paragraph (a) by the number of square metres of the remainder.

***government entity*** means the State, the Commonwealth, a local government or an entity authorised by the State, Commonwealth or a local government.

***remainder***, for rateable land (part of which is acquired in a manner mentioned in subsection (1)(b)), means that part of the rateable land not acquired.

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**9 Amendment of s 212 (Contract manual)**

Section 212(3)(d), ‘section 214(7)’—

*omit, insert*—

section 214(8)

**10 Amendment of s 214 (What div 2 is about)**

(1) Section 214(7), ‘subsection (6)(b)’—

*omit, insert*—

subsection (7)(b)

(2) Section 214(6) and (7)—

*renumber* as section 214(7) and (8).

(3) Section 214—

*insert*—

- (6) The ***disposal*** of a valuable non-current asset by the council includes the disposal of all or any interest in the asset.

*Example*—

the grant of a lease over land or a building

**11 Amendment of s 226 (Exceptions for valuable non-current asset contracts)**

(1) Section 226(1)(e)—

*omit, insert*—

- (e) for the disposal of a valuable non-current asset by the grant of a lease—the grant of the lease has previously been offered by tender or auction, but a lease has not been entered into; or
- (f) the Minister exempts the council from complying with section 217.

(2) Section 226(2), ‘(d)’—

*omit, insert—*

(e)

(3) Section 226(4) and (6), ‘(1)(e)’—

*omit, insert—*

(1)(f)

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

Schedule 4, definition *valuable non-current asset*, ‘section 214(6)’—

*omit, insert—*

section 214(7)

# **Part 3 Amendment of Local Government (De-amalgamation Implementation) Regulation 2013**

## **13 Regulation amended**

This part amends the *Local Government (De-amalgamation Implementation) Regulation 2013*.

## **14 Amendment of s 37 (Transfer of QTC working capital facility)**

Section 37(3), ‘31 December 2014’—

*omit, insert—*

30 June 2015

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## Part 4                      **Amendment of Local Government Electoral Regulation 2012**

### 15      **Regulation amended**

This part amends the *Local Government Electoral Regulation 2012*.

### 16      **Replacement of ss 2 and 3**

Sections 2 and 3—

*omit, insert—*

#### **2      Date of quadrennial election for 2016**

For section 23(3) of the Act, the day fixed for the quadrennial election for 2016 is 19 March 2016.

#### **3      Proof of identity document**

For the Act, schedule, definition *proof of identity document*, each of the following is a proof of identity document—

- (a) a current driver licence;
- (b) a current Australian passport;
- (c) a voter information letter issued by the electoral commission;
- (d) a recent document evidencing electoral enrolment;
- (e) an identification card issued by the Commonwealth or State evidencing the person's entitlement to a financial benefit;



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**18 Amendment of s 19 (Thresholds for significant business activities—Act, s 43(4)(b))**

(1) Section 19(2)(a), ‘\$13.3m’—

*omit, insert—*

\$13.6m

(2) Section 19(2)(b), ‘\$8.9m’—

*omit, insert—*

\$9m

**19 Amendment of s 39 (Prescribed business activities—Act, s 47(7))**

Section 39(1), ‘\$312,000’—

*omit, insert—*

\$318,000

**20 Amendment of s 94 (Levying special rates or charges)**

Section 94(14)—

*omit, insert—*

- (14) In any proceedings about special rates or charges, a resolution or overall plan mentioned in subsection (2) is not invalid merely because the resolution or plan—
- (a) does not identify all rateable land on which the special rates or charges could have been levied; or
  - (b) incorrectly includes rateable land on which the special rates or charges should not have been levied.

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**21 Amendment of s 98 (Returning special rates or charges incorrectly levied)**

Section 98(1), after ‘apply’—

*insert—*

or should not have been levied

**22 Insertion of new s 116A**

Chapter 4, part 9, division 3—

*insert—*

**116A Limitation of increase in rates or charges levied continues after compulsory acquisition of land**

- (1) This section applies if—
  - (a) a local government resolves, under section 116, to limit the increase in the rates or charges levied on rateable land (a *rates cap*); and
  - (b) part of the rateable land is—
    - (i) compulsorily acquired by a government entity; or
    - (ii) otherwise acquired by the department administering the *Transport Planning and Coordination Act 1994*.
- (2) Until the local government resolves otherwise, the rates and charges levied on the remainder are reduced to the divided amount.
- (3) However, the resolution can not be made before the next budget meeting of the local government that occurs after the application of the rates cap.
- (4) In this section—

*compulsorily acquired*, for part of rateable land, means acquired under an Act, or a law of the

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Commonwealth, that authorises the compulsory acquisition of land by a government entity.

*Example—*

land taken under the *Acquisition of Land Act 1967*

***divided amount*** means the amount worked out by—

- (a) dividing the amount of the rates or charges levied on the rateable land by the number of square metres of the rateable land; and
- (b) multiplying the amount calculated under paragraph (a) by the number of square metres of the remainder.

***government entity*** means the State, the Commonwealth, a local government or an entity authorised by the State, Commonwealth or a local government.

***remainder***, for rateable land (part of which is acquired in a manner mentioned in subsection (1)(b)), means that part of the rateable land not acquired.

## **23 Amendment of s 210 (Audit committee composition)**

Section 210(1)(b)(i), ‘2, but no more than 2,’—

*omit, insert—*

1, but no more than 2,

## **24 Amendment of s 222 (Contract manual)**

Section 222(3)(d), ‘section 224(7)’—

*omit, insert—*

section 224(8)

[s 25]

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## **25 Amendment of s 224 (What div 2 is about)**

- (1) Section 224(7), ‘subsection (6)(b)’—

*omit, insert—*

subsection (7)(b)

- (2) Section 224(6) and (7)—

*renumber* as section 224(7) and (8).

- (3) Section 224—

*insert—*

- (6) The ***disposal*** of a valuable non-current asset by a local government includes the disposal of all or any part of an interest in the asset.

*Example—*

the grant of a lease over land or a building

## **26 Amendment of s 236 (Exceptions for valuable non-current asset contracts)**

- (1) Section 236(1)(e)—

*omit, insert—*

- (e) for the disposal of a valuable non-current asset by the grant of a lease—the grant of the lease has been previously offered by tender or auction, but a lease has not been entered into; or
- (f) the Minister exempts the local government from complying with section 227.

- (2) Section 236(2), ‘(d)’—

*omit, insert—*

(e)

- (3) Section 236(4) and (6), ‘(1)(e)’—

*omit, insert—*

(1)(f)

**27 Amendment of sch 8 (Dictionary)**

Schedule 8, definition *valuable non-current asset*, ‘section 224(6)’—

*omit, insert—*

section 224(7)

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ENDNOTES

- 1 Made by the Governor in Council on 4 December 2014.
- 2 Notified on the Queensland legislation website on 5 December 2014.
- 3 The administering agency is the Department of Local Government, Community Recovery and Resilience.

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Authorised by the Parliamentary Counsel