



Queensland

Local Government Legislation Amendment Regulation (No. 1) 2015

Subordinate Legislation 2015 No. 140

made under the

City of Brisbane Act 2010

Local Government Act 2009

Contents

		Page
Part 1	Preliminary	
1	Short title	2
Part 2	Amendment of City of Brisbane Regulation 2012	
2	Regulation amended	2
3	Insertion of new ch 9, pt 4	2
	Part 4 Loss of council asset	
	279A Recording and notifying loss of council asset	2
Part 3	Amendment of Local Government Regulation 2012	
4	Regulation amended	4
5	Omission of s 69 (How levy is to be applied)	4
6	Replacement of ch 9, pt 6 (Reporting missing local government property)	4
	Part 6 Loss of local government asset	
	307A Recording and notifying loss of local government asset	5

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Local Government Legislation Amendment Regulation (No. 1) 2015*.

Part 2 Amendment of City of Brisbane Regulation 2012

2 Regulation amended

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

3 Insertion of new ch 9, pt 4

Chapter 9—

insert—

Part 4 Loss of council asset

279A Recording and notifying loss of council asset

- (1) This section applies if the chief executive officer—
 - (a) is aware of a loss of an asset belonging to the council that the officer is satisfied is a reportable loss; or
 - (b) reasonably suspects there has been a reportable loss of an asset belonging to the council; or
 - (c) is aware of a material loss of an asset belonging to the council.

- (2) The chief executive officer must keep a written record of the following details about the loss—
 - (a) a description of the asset, including its value;
 - (b) the cause of the loss;
 - (c) the action taken by the council to deal with the loss, including, for example—
 - (i) action to remedy any weakness in the council's operations; or
 - (ii) action taken to recover the loss;
 - (d) approval for writing off the loss.
- (3) If the chief executive officer is satisfied the material loss is also a reportable loss, the officer must notify the following as soon as practicable, but not more than 6 months after the officer becomes aware of the loss—
 - (a) the Minister;
 - (b) the auditor-general;
 - (c) for a loss resulting from the commission of an offence under the Criminal Code or another Act—a police officer;
 - (d) for a loss resulting from the corrupt conduct of a councillor, council employee or council worker—the Crime and Corruption Commission.
- (4) In this section—

corrupt conduct see the *Crime and Corruption Act 2001*, section 15.

material loss, for an asset belonging to the council, means—

 - (a) for money—a loss of more than \$500; or

[s 4]

- (b) for any other asset—a loss valued by the chief executive officer at more than \$5000.

reportable loss, for an asset belonging to the council, means a loss resulting from—

- (a) the commission of an offence under the Criminal Code or another Act; or
- (b) the corrupt conduct of a councillor, council employee or council worker; or
- (c) conduct of a contractor of the council that would be corrupt conduct if the contractor were a councillor, council employee or council worker.

Part 3 Amendment of Local Government Regulation 2012

4 Regulation amended

This part amends the *Local Government Regulation 2012*.

5 Omission of s 69 (How levy is to be applied)

Section 69—

omit.

6 Replacement of ch 9, pt 6 (Reporting missing local government property)

Chapter 9, part 6—

omit, insert—

Part 6 Loss of local government asset

307A Recording and notifying loss of local government asset

- (1) This section applies if the chief executive officer—
 - (a) is aware of a loss of an asset belonging to the local government that the officer is satisfied is a reportable loss; or
 - (b) reasonably suspects there has been a reportable loss of an asset belonging to the local government; or
 - (c) is aware of a material loss of an asset belonging to the local government.
- (2) The chief executive officer must keep a written record of the following details about the loss—
 - (a) a description of the asset, including its value;
 - (b) the cause of the loss;
 - (c) the action taken by the local government to deal with the loss, including, for example—
 - (i) action to remedy any weakness in the local government's operations; or
 - (ii) action taken to recover the loss;
 - (d) approval for writing off the loss.
- (3) If the chief executive officer is satisfied the material loss is also a reportable loss, the officer must notify the following as soon as practicable, but not more than 6 months after the officer becomes aware of the loss—
 - (a) the Minister;

[s 6]

- (b) the auditor-general;
 - (c) for a loss resulting from the commission of an offence under the Criminal Code or another Act—a police officer;
 - (d) for a loss resulting from the corrupt conduct of a councillor, local government employee or local government worker—the Crime and Corruption Commission.
- (4) In this section—
 - corrupt conduct*** see the *Crime and Corruption Act 2001*, section 15.
 - material loss***, for an asset belonging to a local government, means—
 - (a) for money—a loss of more than \$500; or
 - (b) for any other asset—a loss valued by the chief executive officer at more than \$1000.
 - reportable loss***, for an asset belonging to the local government, means a loss resulting from—
 - (a) the commission of an offence under the Criminal Code or another Act; or
 - (b) the corrupt conduct of a councillor, local government employee or local government worker; or
 - (c) conduct of a contractor of the local government that would be corrupt conduct if the contractor were a councillor, local government employee or local government worker.

ENDNOTES

- 1 Made by the Governor in Council on 15 October 2015.
- 2 Notified on the Queensland legislation website on 16 October 2015.
- 3 The administering agency is the Department of Infrastructure, Local Government and Planning.

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Authorised by the Parliamentary Counsel