



Queensland

Local Government Legislation Amendment Regulation (No. 2) 2015

Subordinate Legislation 2015 No. 173

made under the

City of Brisbane Act 2010

Local Government Act 2009

State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Local Government Legislation Amendment Regulation (No. 2) 2015*.

2 Commencement

Sections 6 to 8 and part 4 commence on 1 January 2016.

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), ‘\$9m’—

omit, insert—

\$9.2m

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

Section 29(1), ‘\$318,000’—

omit, insert—

\$325,000

[s 6]

6 Replacement of ch 3, pt 3, div 2 (Malls)

Chapter 3, part 3, division 2—

omit, insert—

Division 2 Malls

46 Other matters connected with managing, promoting or using malls—Act, s 88

- (1) For section 88(3) of the Act, this section prescribes other matters connected with managing, promoting or using a mall.
- (2) In relation to a mall, the council may do any of the following—
 - (a) anything that is necessary or desirable for developing, managing, maintaining (including cleaning), promoting, or using the mall;
 - (b) permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate;
 - (c) anything incidental to its powers mentioned in paragraph (a) or (b).
- (3) The council's planning scheme must include all existing and proposed malls in the council's local government area.

7 Insertion of new ch 10, pt 5

Chapter 10—

insert—

Part 5 Transitional provisions for Local Government Legislation

Amendment Regulation (No. 2) 2015

286 Definitions for pt 5

In this part—

amendment regulation means the *Local Government Legislation Amendment Regulation (No. 2) 2015*.

infringement notice means an infringement notice under the *State Penalties Enforcement Act 1999*, section 15.

infringement notice offence means an offence mentioned in the *State Penalties Enforcement Regulation 2014*, schedule 1, as in force immediately before the commencement, entry for *City of Brisbane Regulation 2012*.

287 Offences

- (1) This section applies if a person is alleged to have committed an infringement notice offence before the commencement.
- (2) Despite the Criminal Code, section 11, proceedings for the infringement notice offence may be started or continued, and the court may hear and decide the proceedings, as if the amendment regulation had not commenced.

288 Infringement notices

- (1) This section applies if—
 - (a) a person is alleged to have committed an infringement notice offence before the commencement; and

[s 7]

- (b) at the commencement, an infringement notice for the offence had not been served on the person.
- (2) Despite the Criminal Code, section 11, an infringement notice for the offence may be served on the person and the *State Penalties Enforcement Act 1999* applies as if the amendment regulation had not commenced.

289 Existing mall traffic restrictions

- (1) Subsection (2) applies to a public notice issued under section 47(1) before the commencement and in force immediately before the commencement.
- (2) From the commencement, the public notice is taken to be a public notice issued under the *Public Land and Council Assets Local Law 2014*, section 20(2).
- (3) Subsection (4) applies to a notice displayed under section 47(5) before the commencement and in force immediately before the commencement.
- (4) From the commencement, the notice is taken to be a notice displayed under the *Public Land and Council Assets Local Law 2014*, section 20(8).

290 Existing mall traffic permits

- (1) This section applies to a mall traffic permit given under section 49(1) before the commencement and in force immediately before the commencement.
- (2) From the commencement, the mall traffic permit is taken to be a mall traffic permit given under the *Public Land and Council Assets Local Law 2014*, section 21(1) for the same purposes and period, and subject to the same conditions (if any), for which the mall traffic permit under section 49(1) was given.

291 Removal or moving of vehicle from malls

- (1) This section applies if a vehicle was removed or moved from a mall under section 50(3) as in force immediately before the commencement.
- (2) Sections 51 to 54 as in force immediately before the commencement continue to apply in relation to the vehicle as if the amendment regulation had not commenced.

292 Appeals

- (1) This section applies if a person is entitled, under section 54 as in force immediately before the commencement, to appeal against a decision of the chief executive officer to refuse to deliver possession of a vehicle.
- (2) Sections 55 to 58 as in force immediately before the commencement continue to apply for the appeal as if the amendment regulation had not commenced.

8 Amendment of sch 4 (Dictionary)

Schedule 4, definitions *mall traffic permit* and *mall traffic restriction*—
omit.

Part 3 Amendment of Local Government Regulation 2012

9 Regulation amended

This part amends the *Local Government Regulation 2012*.

[s 10]

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

(1) Section 19(2)(a), ‘\$13.6m’—

omit, insert—

\$13.75m

(2) Section 19(2)(b), ‘\$9m’—

omit, insert—

\$9.2m

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

Section 39(1), ‘\$318,000’—

omit, insert—

\$325,000

12 Amendment of sch 6 (Prescribed local government entities)

Schedule 6—

insert—

Redland Investment Corporation Pty Ltd ABN 68 603
164 503

Local Government Infrastructure Services Pty Ltd
ABN 17 115 959 021

