



Queensland

Local Government Legislation (Councillor Complaints and Other Matters) Amendment Regulation 2018

Subordinate Legislation 2018 No. 201

made under the

Local Government Act 2009

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1 Short title

This regulation may be cited as the *Local Government Legislation (Councillor Complaints and Other Matters) Amendment Regulation 2018*.

2 Commencement

This regulation commences on 3 December 2018.

3 Regulation amended

This regulation amends the *Local Government Regulation 2012*.

4 Amendment of s 87 (Entering private property with written notice)

Section 87, heading, (1) and (2), ‘written’—
omit.

5 Amendment of s 156 (Amending land record)

Section 156(2) and (3), ‘information’—
omit, insert—

amendment

6 Amendment of s 186 (Councillors)

(1) Section 186(d)—

omit, insert—

(d) the total number of the following during the financial year—

(i) orders made under section 150I(2) of the Act;

(ii) orders made under section 150AH(1) of the Act;

- (iii) decisions, orders and recommendations made under section 150AR(1) of the Act; and
- (2) Section 186(e)(i)—
omit, insert—
 - (i) the name of each councillor for whom a decision, order or recommendation mentioned in paragraph (d) was made;
- (3) Section 186(e)(ii), ‘misconduct or inappropriate conduct’—
omit, insert—
 - unsuitable meeting conduct, inappropriate conduct or misconduct
- (4) Section 186(e)(iii), before ‘order’—
insert—
 - decision,
- (5) Section 186(f)(i) to (viii)—
omit, insert—
 - (i) complaints referred to the assessor under section 150P(2)(a) of the Act by local government entities for the local government;
 - (ii) matters, mentioned in section 150P(3) of the Act, notified to the Crime and Corruption Commission;
 - (iii) notices given under section 150R(2) of the Act;
 - (iv) notices given under section 150S(2)(a) of the Act;
 - (v) decisions made under section 150W(a), (b) and (d) of the Act;
 - (vi) referral notices accompanied by a recommendation mentioned in section 150AC(3)(a) of the Act;

- (vii) occasions information was given under section 150AF(4)(a) of the Act;
- (viii) occasions the local government asked another entity to investigate, under chapter 5A, part 3, division 5 of the Act for the local government, the suspected inappropriate conduct of a councillor;
- (ix) applications heard by the conduct tribunal about the alleged misconduct of a councillor.

(2) In this section—

councillor includes a person mentioned in section 150M of the Act.

local government entity, for a local government, means the following—

- (a) the local government;
- (b) a councillor of the local government;
- (c) the chief executive officer of the local government.

7 Insertion of new ch 8, pt 1, div 1A

Chapter 8, part 1, before division 1—

insert—

Division 1A Councillor conduct

239A Approval of code of conduct—Act, s 150E

For section 150E(1) of the Act, the code of conduct set out in the document called ‘Code of Conduct for Councillors in Queensland’ made by the Minister on 30 August 2018 is approved.

239B Other person who may be appointed as investigator—Act, s 150BA

For section 150BA(1)(c) of the Act, the other persons are—

- (a) a person who contracts with the assessor to provide services to conduct investigations under section 150AY of the Act; or
- (b) an individual who is employed or engaged by a person mentioned in paragraph (a).

8 Amendment of s 240 (What div 1 is about)

Section 240, ‘tribunal’—

omit, insert—

remuneration commission

9 Amendment of s 241 (Establishing categories of local governments)

Section 241, ‘tribunal’—

omit, insert—

remuneration commission

10 Amendment of s 242 (Criteria for establishing categories)

Section 242, ‘tribunal’—

omit, insert—

remuneration commission

11 Amendment of s 243 (Deciding and reviewing categories to which local governments belong)

Section 243(1), (2), (3) and (5), ‘tribunal’—

omit, insert—

remuneration commission

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- 12 Amendment of s 244 (Deciding maximum amounts of remuneration)**
Section 244(1), ‘tribunal’—
omit, insert—
remuneration commission
- 13 Amendment of s 246 (Remuneration schedule)**
Section 246(1) and (3), ‘tribunal’—
omit, insert—
remuneration commission
- 14 Amendment of s 248 (Submission to vary remuneration in exceptional circumstances)**
Section 248(2), (3) and (4), ‘tribunal’—
omit, insert—
remuneration commission
- 15 Amendment of s 254 (Declaration of office—Act, s 169)**
Section 254, before ‘under the *Local Government Act 2009*,’—
insert—
and code of conduct
- 16 Amendment of s 258 (Notice of meetings)**
(1) Section 258(1), ‘Written notice’—
omit, insert—
Notice
(2) Section 258(2), (4) and (5), ‘written’—
omit.

17 Amendment of s 262 (Repeal or amendment of resolutions)

Section 262, ‘written’—

omit.

18 Amendment of s 283 (Employee to be given notice of grounds for disciplinary action)

Section 283(1)(a) and (b), ‘written’—

omit.

19 Amendment of s 298 (Procedural rules for hearings—Act, s 213)

(1) Section 298, heading, ‘rules’—

omit, insert—

requirements

(2) Section 298, ‘investigator’—

omit, insert—

decision-maker

20 Amendment of s 307A (Recording and notifying loss of local government asset)

Section 307A(4), definition *corrupt conduct*—

omit.

21 Insertion of new ch 16

After chapter 15—

insert—

Chapter 16 Transitional provision for Local Government Legislation (Councillor Complaints and Other Matters) Amendment Regulation 2018

352 Application of s 186 to annual reports for particular financial years

- (1) Subsection (2) applies if, before the commencement, a local government has not adopted, under section 182, the local government's annual report for the financial year that started on 1 July 2017.
- (2) The particulars that must be contained in the annual report for the financial year are the particulars that were required to be contained in an annual report under section 186 as in force immediately before the commencement.
- (3) Subsection (4) applies to an annual report for the financial year that started on 1 July 2018.
- (4) The annual report for the financial year must also contain the particulars required to be contained in an annual report for a financial year under section 186(d), (e) and (f) as in force immediately before the commencement.

22 Amendment of sch 8 (Dictionary)

Schedule 8, definition *notice*—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 22 November 2018.
- 2 Notified on the Queensland legislation website on 23 November 2018.
- 3 The administering agency is the Department of Local Government, Racing and Multicultural Affairs.

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