

Local Government Legislation Amendment Regulation (No. 3) 2015

Explanatory notes for SL 2015 No. 182

made under the

City of Brisbane Act 2010
Local Government Act 2009

General Outline

Short title

Local Government Legislation Amendment Regulation (No. 3) 2015

Authorising law

Sections 22 and 252 of the *City of Brisbane Act 2010* and sections 20 and 270 of the *Local Government Act 2009*.

Policy objectives and the reasons for them

The objective of the regulation is to amend the *City of Brisbane Regulation 2012* (CBR) and the *Local Government Regulation 2012* (LGR) to implement electoral change determinations made by the Local Government Change Commission (the Change Commission) for the purposes of the 2016 quadrennial local government elections.

Under chapter 2 part 4 of the *City of Brisbane Act 2010* (COBA), the Change Commission (made up of at least the electoral commissioner) has jurisdiction to assess and make determinations in relation to applications for change to the boundaries of Brisbane or any ward of Brisbane. Similarly, under chapter 2 part 3 of the *Local Government Act 2009* (LGA), the Change Commission has jurisdiction to assess and make determinations in relation to applications for local government changes. Local government changes are changes to a local government's boundaries, divisions (other than the City of Brisbane), number of councillors, name and classification.

Section 20 of the COBA provides that Brisbane City Council (BCC), the Minister or the Electoral Commission of Queensland may apply to the Change Commission to assess whether the boundary change should be made. However, under the LGA section 18 only the Minister may propose a local government change to the Change Commission.

Chapter 2 part 3 of the COBA and chapter 2 part 2 of the LGA provide that each ward/division of a local government area must have a reasonable proportion of electors. There is to be no more than a 10 per cent variance in the number of electors enrolled in each ward/division of a local government where the local government area population totals more than 10,000 electors (or 20 per cent variance for local government areas with populations of less than 10,000 electors).

Section 18 of the COBA requires BCC to review its electoral wards before 1 October in the year that is two years before the quadrennial elections to determine whether they have a reasonable proportion of electors, or quota of plus or minus ten per cent of the average number of electors per ward, and give written notice of the results of the review to the Minister and the electoral commissioner.

Under section 16 of the LGA, councils are required (no later than 1 March in the year before the quadrennial elections) to review whether each of their divisions has a reasonable proportion of electors and give written notice of the results of the review to the Minister and the electoral commissioner. Under the LGA, local governments may also submit proposals for other local government changes to the Minister for consideration, including changes to a local government's boundary, divisions and the number of councillors.

On 1 October 2014, the Chief Executive Officer of BCC wrote to the former Minister for Local Government, Community Recovery and Resilience (the former Minister) and the electoral commissioner advising that three Brisbane wards were without a reasonable proportion of electors. On 10 November 2014, the former Minister applied to the Change Commission to undertake an assessment of the boundaries of the existing Brisbane wards and to propose new boundaries that ensure the wards are within quota for the 2016 quadrennial local government elections.

On 16 December 2014, the former Minister referred a submission from Tablelands Regional Council about increasing the number of its councillors, to the Change Commission for assessment.

On 2 April 2015, the Minister for Infrastructure, Local Government and Planning referred all other local government change submissions to the Change Commission for assessment, including submissions from Banana Shire Council, Bundaberg Regional Council, Cairns Regional Council, Fraser Coast Regional Council, Ipswich City Council, Isaac Regional Council, Logan City Council, Moreton Bay Regional Council, Redland City Council, Rockhampton Regional Council, Scenic Rim Regional Council, Sunshine Coast Regional Council, Tablelands Regional Council, Townsville City Council and Whitsunday Regional Council with respect to divisional quotas.

Section 22 of the COBA and section 20 of the LGA provide that the Governor in Council may implement the Change Commission's recommendations under a regulation.

Achievement of policy objectives

The regulation achieves the policy objective by implementing the following recommendations of the Change Commission for the purposes of the 2016 quadrennial local government elections:

Brisbane City Council

That Brisbane City Council be redivided into twenty-six wards as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Wards within the City of Brisbane: Final Determination* (August 2015).

Banana Shire Council

That Banana Shire Council be redivided into six divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Banana Shire Council: Final Determination* (August 2015).

Bundaberg Regional Council

(1) That Bundaberg Regional Council be redivided into 10 divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Bundaberg Regional Council: Final Determination* (September 2015). The Change Commission's earlier report entitled *Review of Electoral Arrangements within Bundaberg Regional Council: Final Determination* (June 2015) recommended Bundaberg Regional Council continue to be a divided council.

(2) That Bundaberg Regional Council be allocated the section of the Coral Sea east from Burnett Heads to Burrum Heads across to the shoreline of Fraser Island as shown on the map contained in Appendix C of the Change Commission's Report entitled *Report on a Change to the External Boundary of the Bundaberg Regional Council* (October 2015).

Cairns Regional Council

That Cairns Regional Council be redivided into nine divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Cairns Regional Council: Final Determination* (October 2015).

Fraser Coast Regional Council

That Fraser Coast Regional Council be redivided into 10 divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Fraser Coast Regional Council: Final Determination* (September 2015).

Ipswich City Council

That Ipswich City Council be redivided into 10 divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Ipswich City Council: Final Determination* (September 2015).

Isaac Regional Council

That Isaac Regional Council be redivided into eight divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Isaac Regional Council: Final Determination* (October 2015).

Logan City Council

That Logan City Council be redivided into 12 divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Logan City Council: Final Determination* (October 2015).

Moreton Bay Regional Council

That Moreton Bay Regional Council be redivided into 12 divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Moreton Bay Regional Council: Final Determination* (September 2015).

Redland City Council

That Redland City Council be redivided into 10 divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Redland City Council: Final Determination* (October 2015).

Rockhampton Regional Council

That Rockhampton Regional Council be redivided into seven divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Rockhampton Regional Council: Final Determination* (September 2015).

Scenic Rim Regional Council

That Scenic Rim Regional Council be redivided into six divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Scenic Rim Regional Council: Final Determination* (September 2015).

Sunshine Coast Regional Council

That Sunshine Coast Regional Council be redivided into 10 divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Sunshine Coast Regional Council: Final Determination* (September 2015).

Tablelands Regional Council

(1) That Tablelands Regional Council be divided into six divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Tablelands Regional Council: Final Determination* (September 2015).

(2) That Tablelands Regional Council be made up of six councillors and a mayor for future local government elections as per the Change Commission's Report entitled *Review of Electoral Arrangements within Tablelands Regional Council: Final Determination* (June 2015).

Townsville City Council

That Townsville City Council be redivided into 10 divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Townsville City Council: Final Determination* (October 2015).

Whitsunday Regional Council

That Whitsunday Regional Council be redivided into six divisions as shown on the maps contained in Appendix F of the Change Commission's Report entitled *2015 Redivision of Electoral Divisions within Whitsunday Regional Council: Final Determination* (October 2015).

Central Highlands Regional Council and Isaac Regional Council

That the following lots currently located in Central Highlands Regional Council be transferred in their entirety into Isaac Regional Council as shown on the maps contained in Appendix C of the Change Commission's Report entitled *Report on a Change to the External Boundaries of the Central Highlands Regional Council and Isaac Regional Council* (November 2014): Lot 42 on Plan LHDT4010; Lot 41 on Plan LHDT4010; Lot 44 on Plan LHDT4073; Lot 123 on Plan MPH206; and Lot 145 on Plan FTY1413.

Toowoomba Regional Council and Southern Downs Regional Council

That the following lots currently located in Southern Downs Regional Council be transferred in their entirety into Toowoomba Regional Council as shown on the maps contained in Appendix C of the Change Commission's Report entitled *Report on a Change to the External Boundaries of Toowoomba Regional Council and Southern Downs Regional Council* (April 2015): Lot 1199 on Plan AG3273; Lot 1 on Plan A34796; Lot 2 on Plan RP29954; Lot 1987 on Plan A341487; and Lot 36 on Plan AG682.

Cook Shire Council and Lockhart River Aboriginal Shire Council

That the following lots currently located in Cook Shire Council be transferred in their entirety into Lockhart River Aboriginal Shire Council as shown on the maps contained in Appendix C of the Change Commission's Report entitled *Report on a Change to the External Boundaries of Cook Shire Council and Lockhart River Aboriginal Shire Council* (October 2015): Lot 2 on Plan WMT26 and Lot 6 on Plan WMT54.

Balonne Shire Council, Maranoa Regional Council and Western Downs Regional Council

That Lot 3 on Plan SP131779 currently located in Balonne Shire Council be transferred in its entirety into Western Downs Regional Council as shown on the maps contained in Appendix C of the Change Commission's Report entitled *Report on a Change to the External Boundaries of Balonne Shire, Maranoa Regional Council and Western Downs Regional Council* (July 2015).

Mareeba Shire Council and Tablelands Regional Council

As shown on maps contained in Appendix C of the Change Commission's Report entitled *Report on a Change to the External Boundary of Mareeba Shire Council and Tablelands Regional Council* (October 2015), that:

(1) the following lots whose parts are currently located in Mareeba Shire Council be transferred in their entirety into Tablelands Regional Council: Lot 2 on Plan RP868846; Lot 9 on Plan GU44; Lot 1 on Plan RP845179; Lot 8 on Plan GU42; Lot 4 on Plan SP248416; Lot 3 on Plan RP845178; Lot 154 on Plan OL32; and Lot 137 on Plan OL31; and

(2) the parts of Lot 250 on Plan SP116768 currently located in Tablelands Regional Council be transferred in their entirety into Mareeba Shire Council.

The boundary/local government changes, as recommended by the Change Commission, do not take effect until the conclusion of the 2016 quadrennial local government elections.

Consistency with policy objectives of authorising law

The regulation is consistent with the policy objectives of the authorising laws.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The costs to Government as a result of the proposed amendments are negligible.

Consistency with fundamental legislative principles

The regulation has been drafted with regard to the fundamental legislative principles as defined in the *Legislative Standards Act 1992* and is consistent with these principles.

Consultation

The Local Government Change Commission considered submissions received from the public on the proposed boundary/local government changes before making final determinations.

Copies of the Change Commission's Final Determination Reports were provided to the Minister for Infrastructure, Local Government and Planning. Public notice of the Change Commission's recommendations was also published in the Queensland Government Gazette, in local newspapers and on the Electoral Commission of Queensland's website, www.ecq.qld.gov.au.

The Office of Best Practice Regulation was consulted and confirmed that the proposed amendments are excluded from further assessment under the Regulatory Impact Statement Guidelines.