



Queensland

Local Government Legislation (Integrity) Amendment Regulation 2020

Subordinate Legislation 2020 No. 156

made under the

City of Brisbane Act 2010

Local Government Act 2009

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Local Government Legislation (Integrity) Amendment Regulation 2020*.

2 Commencement

This regulation commences on 12 October 2020 immediately after the commencement of the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020*, section 81.

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 239 (Meetings about expenses reimbursement policy)

Section 239, ‘section 255’—

omit, insert—

section 242J

5 Amendment of s 241 (Declaration of office—Act, s 169)

Section 241, after ‘code of conduct’—

insert—

for councillors

[s 6]

6 Amendment of s 242 (Administrative and support services for councillors)

Section 242, ‘and support’—
omit.

7 Replacement of ch 8, pt 2, hdg (Council meetings)

Chapter 8, part 2, heading—
omit, insert—

Part 2 Council meetings and committees

8 Insertion of new ch 8, pt 2, div 1 and ch 8, pt 2, div 2, hdg

Chapter 8, part 2, before section 243—
insert—

Division 1 Requirements for council meetings generally

242A What this division is about

- (1) This division is about council meetings.
- (2) However, this division does not apply to meetings of the audit committee.

242B Public notice of meetings

- (1) The council must, at least once in each year, publish a notice of the days and times when—
 - (a) its ordinary meetings will be held; and
 - (b) the ordinary meetings of its standing committees will be held.
- (2) The notice mentioned in subsection (1) must be

published on the council's website, and in other ways the council considers appropriate.

- (3) The council must display in a conspicuous place in its public office a notice of the days and times when—
 - (a) its meetings will be held; and
 - (b) meetings of its committees will be held.
- (4) The council must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.

242C Notice of meetings and agendas for councillors or committee members

- (1) Notice of each council meeting or adjourned council meeting must be given to each councillor or committee member at least 2 days before the day of the meeting, unless it is impracticable to give the notice before that time.
- (2) The notice must—
 - (a) state the day and time of the council meeting; and
 - (b) for a special meeting—state the business to be conducted at the meeting; and
 - (c) include the agenda for the council meeting.
- (3) The notice may be given to a councillor or committee member by sending the notice to the councillor or member electronically.

242D Public availability of agendas

- (1) The council must make the agenda for a council meeting publicly available by 5p.m. on the next business day after notice of the meeting is given

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under section 242C.

- (2) Also, the council must make a related report for a council meeting publicly available as follows—
 - (a) if the related report is made available to councillors or committee members before or at the time notice of the meeting is given under section 242C—when the agenda for the meeting is made publicly available under subsection (1);
 - (b) if the related report is made available to councillors or committee members during the relevant period for the meeting—as soon as practicable after it is made available to the councillors or committee members.
- (3) However, the council need not make a related report publicly available to the extent it contains information that is confidential to the council.
- (4) This section does not affect the right to discuss or deal with, at any council meeting, items arising after notice of the meeting is given under section 242C.
- (5) This section does not apply to a meeting of the Establishment and Coordination Committee.
- (6) In this section—

related report, for a council meeting, means a report or other document relating to an item on the agenda for the meeting that is made available to councillors or committee members for the purposes of the meeting.

relevant period, for a council meeting, means the period—

 - (a) starting immediately after notice of the meeting is given under section 242C; and
 - (b) ending immediately before the meeting is held.

242E Procedure at meetings

- (1) Business may be conducted at a council meeting only if a quorum is present.
- (2) At a council meeting—
 - (a) a question is decided by a majority of the votes of the councillors or committee members present; and
 - (b) subject to chapter 6, part 2, division 5A of the Act, each councillor or committee member present has a vote on each question to be decided and, if the votes are equal, the person presiding at the meeting has a casting vote.
- (3) At a meeting of a committee of the council, if a committee member present and entitled to vote fails to vote, the member is taken to have voted in the negative.

242F Minutes

- (1) The chief executive officer must ensure minutes of each council meeting are taken under the supervision of the person presiding at the meeting.
- (2) Minutes of each council meeting must include—
 - (a) the names of councillors or committee members present at the meeting; and
 - (b) if a division is called on a question—the names of all persons voting on the question and how they voted; and
 - (c) each relevant report for the meeting, other than to the extent the relevant report contains information that is confidential to the council.
- (3) However, the minutes of a council meeting need

[s 8]

not include a relevant report if the relevant report has been made publicly available under section 242D.

- (4) At each council meeting, the minutes of the previous meeting must be confirmed by the councillors or committee members present.
- (5) A councillor or committee member present at a council meeting may vote to confirm the minutes of the previous meeting even if—
 - (a) the councillor or member was not present at the previous meeting; or
 - (b) for a councillor—the councillor had a prescribed conflict of interest or declarable conflict of interest in a matter considered, discussed or voted on at the previous meeting.
- (6) A copy of the minutes of each council meeting must be made publicly available by 5p.m. on the tenth day after the meeting is held, unless the minutes are sooner confirmed.
- (7) When the minutes of a council meeting have been confirmed, a copy of the confirmed minutes must be made publicly available, and available for purchase at the council’s public office, as soon as practicable after the meeting at which the minutes are confirmed is held.
- (8) The price for purchasing a copy of the minutes of a council meeting must not be more than the total of—
 - (a) the cost to the council of having the copy printed and made available for purchase; and
 - (b) if the copy is supplied to a purchaser by post—the cost of postage.
- (9) In this section—

relevant report, for a council meeting, means a report or other document—

- (a) directly relevant to a matter considered or voted on at the meeting; or
- (b) presented at the meeting for the consideration or information of the council or committee.

Examples—

- a video or recording, or a transcript of the video or recording, watched or listened to by councillors at a council meeting before making a decision
- a chart, diagram, spreadsheet or picture considered at a council meeting
- a copy of an auditor-general's observation report presented at a meeting of the council under section 203(3)
- a petition or media release presented at a council meeting

242G Advisory committees exempted from taking minutes

- (1) The council may, by resolution, exempt an advisory committee from the requirement to take minutes of its proceedings.
- (2) If the council exempts an advisory committee under subsection (1)—
 - (a) section 242F does not apply to the committee; and
 - (b) the committee must give the council a written report of the committee's deliberations and its advice or recommendations; and
 - (c) for section 177X(2) or (4) of the Act, the way prescribed is by including the information in a written statement given to the council.

[s 8]

242H Recording of reasons for particular decisions

- (1) This section applies if a decision made at a council meeting is inconsistent with a recommendation or advice given to the council by an advisor of the council and either or both of the following apply to the decision—
 - (a) the decision is about entering into a contract the total value of which is more than the greater of the following—
 - (i) \$200,000 exclusive of GST;
 - (ii) 1% of the council's net rate and utility charges as stated in the council's audited financial statements included in the council's most recently adopted annual report;
 - (b) the decision is inconsistent with a policy of the council, or the approach ordinarily followed by the council for the type of decision.

Examples of decisions to which this section might apply—

- the grant of a licence, permit or approval, however named, under an Act or local law
 - the grant of a concession, rebate or waiver in relation to an amount owed to the council
 - the disposal of land or a non-current asset
- (2) The chief executive officer must ensure the minutes of the council meeting include a statement of the reasons for not adopting the recommendation or advice.
 - (3) In this section—

advisor, of the council, means a person—

 - (a) who is an employee of the council or is otherwise engaged to provide services to the council; and

- (b) whose duties include giving a recommendation or advice.

242I Meetings in public unless otherwise resolved

- (1) A council meeting is open to the public unless the council or committee has resolved that the meeting is to be closed under section 242J.
- (2) This section does not apply to a meeting of the Establishment and Coordination Committee.

242J Closed meetings

- (1) The council may resolve that all or part of a meeting of the council be closed to the public.
- (2) A committee of the council may resolve that all or part of a meeting of the committee be closed to the public.
- (3) However, the council or a committee of the council may make a resolution about a council meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—
 - (a) the appointment, discipline or dismissal of the chief executive officer or a senior executive employee;
 - (b) industrial matters affecting employees;
 - (c) the council's budget;
 - (d) rating concessions;
 - (e) legal advice obtained by the council or legal proceedings involving the council including, for example, legal proceedings that may be taken by or against the council;

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- (f) matters that may directly affect the health and safety of an individual or group of individuals;
 - (g) negotiations relating to a commercial matter involving the council for which a public discussion would be likely to prejudice the interests of the council;
 - (h) negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*;
 - (i) a matter the council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.
- (4) However, the council or a committee of the council must not resolve that a part of a council meeting at which a decision mentioned in section 177O(2), 177P(3) or 177R(2) of the Act will be considered, discussed, voted on or made be closed.
- (5) A resolution that a council meeting be closed must—
- (a) state the matter mentioned in subsection (3) that is to be discussed; and
 - (b) include an overview of what is to be discussed while the meeting is closed.
- (6) The council or a committee of the council must not make a resolution (other than a procedural resolution) in a council meeting, or a part of a council meeting, that is closed.

242K Participating in meetings by audio link or audio visual link

- (1) The council may allow a person to take part in a meeting of the council by audio link or audio

visual link.

- (2) A committee of the council may allow a person to take part in a meeting of the committee by audio link or audio visual link.
- (3) A councillor or committee member who takes part in a council meeting under subsection (1) or (2) is taken to be present at the meeting if the councillor or member was simultaneously in audio contact with each other person at the meeting.
- (4) In this section—

audio link see the *Evidence Act 1977*, section 39C.

audio visual link see the *Evidence Act 1977*, schedule 3.

Division 2 Requirements for meetings of the council

9 Amendment of s 243 (What pt 2 is about)

- (1) Section 243, heading, ‘pt 2’—

omit, insert—

this division

- (2) Section 243, ‘part’—

omit, insert—

division

10 Omission of ss 246–247

Sections 246 and 247—

omit.

254A Alternate members of committees

- (1) If the council appoints a committee, the council may appoint 1 person as an alternate member of the committee.
- (2) An *alternate member* of a committee is a person who attends meetings of the committee and acts as a member of the committee whenever another member of the committee is absent from the meeting of the committee.
- (3) However, for a meeting of a standing committee of the council, the alternate member may attend and act as a member of the committee for the mayor only if the mayor is the chairperson of the committee.

254B Frequency of meetings

Meetings of a committee are held at the times and places decided by the committee.

255 Quorum

- (1) A quorum of a committee is a majority of its members.
- (2) However, if the number of members is an even number, one-half of the number is a quorum.
- (3) Subsection (4) applies if—
 - (a) the mayor is a member of a standing committee of the council, other than the chairperson of the committee; and
 - (b) the mayor is not present at a meeting of the committee.
- (4) For working out a quorum for the meeting, the mayor is not counted as a member of the committee.

[s 14]

14 Amendment of s 255A (What this part is about)

Section 255A, ‘meetings of the council’—

omit, insert—

council meetings

15 Amendment of s 255B (Definition for part)

(1) Section 255B, definition *teleconferencing*—

omit.

(2) Section 255B—

insert—

audio link see the *Evidence Act 1977*, section 39C.

audio visual link see the *Evidence Act 1977*, schedule 3.

16 Amendment of s 255C (Meetings held by teleconferencing)

(1) Section 255C, heading, ‘teleconferencing’—

omit, insert—

audio link or audio visual link

(2) Section 255C(1)—

omit, insert—

(1) The council or a committee of the council may hold a meeting of the council or committee by audio link or audio visual link.

17 Amendment of s 255D (Participating in meeting by teleconferencing)

(1) Section 255D, heading, ‘teleconferencing’—

omit, insert—

audio link or audio visual link

- (2) Section 255D(1) and (2)—

omit, insert—

- (1) The chairperson of the council may allow a person to take part in a meeting of the council by audio link or audio visual link.
- (2) A committee chairperson may allow a person to take part in a meeting of the committee by audio link or audio visual link.

- (3) Section 255D(3), after ‘subsection’—

insert—

(1) or

- (4) Section 255D—

insert—

- (4) This section does not affect, and is not affected by, the operation of section 242K.

18 Amendment of s 255E (Public availability of meetings held or participated in by teleconferencing)

- (1) Section 255E, heading, ‘teleconferencing’—

omit, insert—

audio link or audio visual link

- (2) Section 255E(1)(a) and (b)—

omit, insert—

- (a) a council meeting is held by audio link or audio visual link; or
- (b) a person takes part in a council meeting by audio link or audio visual link.

- (3) Section 255E(3), ‘section 255’—

omit, insert—

[s 19]

section 242J

(4) Section 255E—

insert—

(4) Also, this section does not apply to a meeting of the audit committee or the Establishment and Coordination Committee.

19 Amendment of s 255F (Public access to particular meetings)

(1) Section 255F(1), from ‘if the chairperson’—

omit, insert—

if—

(a) the chairperson of the council is satisfied it is not practicable for the public to attend a meeting of the council because of health and safety reasons associated with the public health emergency involving COVID-19; or

(b) a committee chairperson is satisfied it is not practicable for the public to attend a meeting of the committee because of health and safety reasons associated with the public health emergency involving COVID-19.

(2) Section 255F(2), after ‘of the council’—

insert—

or the committee chairperson

(3) Section 255F(2), after ‘meeting’—

insert—

of the council or committee

(4) Section 255F(3), ‘sections 249 and 255’—

omit, insert—

sections 242I and 242J

20 Insertion of new ch 8, pt 2B

Chapter 8—

insert—

Part 2B Councillor advisors

**255H Number of councillor advisors each
councillor may appoint—Act, s 194C**

For section 194C(1)(a) of the Act, the following
number of councillor advisors is prescribed—

- (a) for the mayor—10;
- (b) for the leader of the opposition—4;
- (c) for the chairperson of the council unless the
chairperson is the leader of the opposition—
2;
- (d) for a chairperson of a standing committee of
the council unless the chairperson is a
councillor mentioned in paragraphs (a) to
(c)—2;
- (e) for another councillor—1.

21 Amendment of s 267 (What pt 5 is about)

- (1) Section 267, heading, ‘pt 5’—

omit, insert—

this part

- (2) Section 267(1)—

omit, insert—

- (1) This part is about the register of interests of the
following persons—
- (a) a councillor;
 - (b) the chief executive officer;

[s 22]

- (c) a councillor advisor;
 - (d) a senior executive employee;
 - (e) a person who is related to a councillor, the chief executive officer, a councillor advisor or a senior executive employee.
- (3) Section 267(2), from ‘chief’ to ‘employee’—
omit, insert—
the chief executive officer, a councillor advisor or a senior executive employee

22 Amendment of s 268 (Who maintains registers of interests)

Section 268(1)—

omit, insert—

- (1) The chief executive officer must maintain a register of interests of the following persons—
- (a) a councillor;
 - (b) a councillor advisor;
 - (c) a senior executive employee;
 - (d) a person who is related to a councillor, councillor advisor or senior executive employee.

23 Amendment of s 269 (Contents of registers of interests)

- (1) Section 269(1) and (2)—

omit, insert—

- (1) A register of interests consists of the forms or other documents used to inform the person required to maintain the register under section 268 about an interest that must be recorded in the register under subsection (2).

-
- (2) The register of interests of each of the following persons must contain the financial and non-financial particulars mentioned in schedule 3 for an interest held by the person—
- (a) a councillor;
 - (b) the chief executive officer;
 - (c) a councillor advisor;
 - (d) a senior executive employee;
 - (e) a person who is related to a councillor, the chief executive officer, a councillor advisor or a senior executive employee.
- (2A) However, the register of interests of a person who is related to a councillor, the chief executive officer, a councillor advisor or a senior executive employee need not include any interest that is—
- (a) held jointly, or in common, with the councillor, chief executive officer, councillor advisor or senior executive employee; and
 - (b) included in the register of interests of the councillor, chief executive officer, councillor advisor or senior executive employee.
- (2) Section 269(3), ‘subsection (1)’—
omit, insert—
subsection (2)
- (3) Section 269(2A) to (4)—
renumber as section 269(3) to (5).

24 Amendment of s 270 (Obligation of chief executive officer and senior contract employees to correct register of interests)

- (1) Section 270, ‘contract’—

[s 25]

omit, insert—

executive

(2) Section 270(4), note—

omit, insert—

Note—

See sections 198A to 198C of the Act for the obligations of a councillor or councillor advisor in relation to a register of interests.

25 Amendment of s 271 (Who may inspect a register of interests)

Section 271(2)—

omit, insert—

- (2) Subsection (3) applies to a register of interests of—
- (a) the chief executive officer; or
 - (b) a councillor advisor; or
 - (c) a senior executive employee; or
 - (d) a person who is related to a councillor, the chief executive officer, a councillor advisor or a senior executive employee.

26 Amendment of s 272 (Access to particular registers of interests)

Section 272(1)—

omit, insert—

- (1) This section applies to the register of interests of—
- (a) the chief executive officer; or
 - (b) a councillor advisor; or
 - (c) a senior executive employee; or

- (d) a person who is related to a councillor, the chief executive officer, a councillor advisor or a senior executive employee.

27 Amendment of s 273 (Publication of register of interests of councillors)

Section 273(1), from ‘may be viewed’—

omit, insert—

is publicly available.

28 Amendment of s 274 (Queries on contents of register of interests)

Section 274(2)(d)—

omit, insert—

- (d) if the register of interests relates to a councillor advisor or a person who is related to the councillor advisor—the councillor advisor;
- (e) if the register of interests relates to a senior executive employee or a person who is related to the senior executive employee—the senior executive employee.

29 Insertion of new s 274A

After section 274—

insert—

274A Period for keeping and making available particular registers of interests

- (1) The council must keep a register of interests for a period of 10 years starting on—

[s 30]

- (a) for a councillor or a person who is related to a councillor—the last day the councillor holds office as a councillor; or
 - (b) for the chief executive officer or a person who is related to the chief executive officer—the last day the chief executive officer holds appointment as the chief executive officer; or
 - (c) for a councillor advisor or a person who is related to a councillor advisor—the last day the councillor advisor holds appointment as a councillor advisor; or
 - (d) for a senior executive employee or a person who is related to a senior executive employee—the last day the senior executive employee holds appointment as a senior executive employee.
- (2) The council must ensure the register of interests kept under subsection (1)(a) for a person who was, but is no longer, a councillor is available to be viewed by the public at the council's public office for the period the council is required to keep the register.

30 Amendment of s 275 (Improper disclosure of registers of interests)

Section 275(2)(b) and (c)—

omit, insert—

- (b) a councillor advisor;
- (c) a senior executive employee;
- (d) a person who is related to a councillor, the chief executive officer, a councillor advisor or a senior executive employee.

31 Insertion of new ch 10, pt 8

Chapter 10—

insert—

**Part 8 Transitional provision
for Local Government
Legislation (Integrity)
Amendment Regulation
2020**

297 Gifts and donations—sch 3, ss 12 and 14B

- (1) This section applies if, under schedule 3, a relevant person's reporting term includes a period that occurred partly before the commencement.
- (2) A reference in schedule 3, section 12(1)(b) to a gift given to the relevant person during the person's reporting term includes a reference to a gift given to the person before the commencement during the person's reporting term.
- (3) A reference in schedule 3, section 14B(1)(b) to a donation made during the person's reporting term does not include a reference to a donation made before the commencement during the person's reporting term.

32 Amendment of sch 3, hdg (Financial and non-financial particulars for registers of interests)

Schedule 3, authorising provision, '269(1)'—

omit, insert—

269(2)

33 Replacement of sch 3, ss 1–2

Schedule 3, sections 1 and 2—

[s 33]

omit, insert—

1 Definitions for schedule

In this schedule—

conflict of interest, in relation to a councillor, means—

- (a) a prescribed conflict of interest; or
- (b) a declarable conflict of interest.

relevant person means any of the following persons—

- (a) a councillor;
- (b) the chief executive officer;
- (c) a councillor advisor;
- (d) a senior executive employee;
- (e) a person who is related to a councillor, the chief executive officer, a councillor advisor or a senior executive employee.

reporting term, for a relevant person, means—

- (a) for a councillor or a person who is related to a councillor—the relevant term for the councillor; or
- (b) for the chief executive officer or a person who is related to the chief executive officer—
 - (i) the period of the chief executive officer's current contract of employment; and
 - (ii) if the chief executive officer held a contract of employment as chief executive officer for a period ending immediately before the start of the current contract—the period of the contract of employment ending

-
- immediately before the chief executive officer's current contract started; or
- (c) for a councillor advisor or a person who is related to a councillor advisor—
 - (i) the period of the councillor advisor's current contract of employment; and
 - (ii) if the councillor advisor held a contract of employment as a councillor advisor for a period ending immediately before the start of the current contract—the period of the contract of employment ending immediately before the councillor advisor's current contract started; or
 - (d) for a senior executive employee or a person who is related to a senior executive employee—
 - (i) the period of the senior executive employee's current contract of employment; and
 - (ii) if the senior executive employee held a contract of employment as a senior executive employee for a period ending immediately before the start of the current contract—the period of the contract of employment ending immediately before the senior executive employee's current contract started.

securities see the Corporations Act, section 9.

2 Shareholding or controlling interest in corporation

- (1) The particulars required for each corporation in which a relevant person is a shareholder or has a

[s 34]

controlling interest in shares are—

- (a) the corporation's name; and
 - (b) if the corporation is a proprietary company—
 - (i) the nature of the activities of the proprietary company; and
 - (ii) the investments or other interests in property of the proprietary company; and
 - (iii) for each corporation that is a subsidiary of the proprietary company—the corporation's name and investments or other interests in property.
- (2) In this section—

controlling interest, in shares in a corporation, for a person, means the person is able—

- (a) to dispose of, or to exercise control over the disposal of, the shares; or
- (b) if the shares are voting shares—to exercise, or to control the exercise of, a voting power attached to the shares.

proprietary company see the Corporations Act, section 9.

subsidiary, in relation to a proprietary company, see the Corporations Act, section 9.

34 Amendment of sch 3, s 3 (Officer of corporation)

- (1) Schedule 3, section 3, heading 'Officer'—

omit, insert—

Executive officer

- (2) Schedule 3, section 3, 'an officer'—

omit, insert—

an executive officer

(3) Schedule 3, section 3(b)—

omit, insert—

(b) the nature of the person's role as an executive officer; and

35 Amendment of sch 3, s 4 (Beneficial interest in trust or nominee corporation)

Schedule 3, section 4—

insert—

(2) In this section—

nominee corporation means a corporation whose principal business is holding marketable securities under the Corporations Act as a trustee or nominee.

36 Amendment of sch 3, s 5 (Self managed superannuation fund)

(1) Schedule 3, section 5(1), 'councillor or a person related to a councillor'—

omit, insert—

relevant person

(2) Schedule 3, section 5(2)(c), 'councillor or'—

omit, insert—

relevant

37 Amendment of sch 3, s 7 (Partnership and joint venture)

Schedule 3, section 7—

insert—

[s 38]

- (d) the investments or other interests in property held, of which the relevant person is aware, by the partnership or joint venture.

38 Amendment of sch 3, s 10 (Debentures and similar investments)

Schedule 3, section 10—

insert—

- (2) In this section—
debenture see the Corporations Act, section 9.

39 Replacement of sch 3, ss 12–14

Schedule 3, sections 12 to 14—

omit, insert—

12 Gifts totalling \$500 or more

- (1) This section applies to the following gifts—
 - (a) each gift of \$500 or more given to a relevant person by another person (a *donor*);
 - (b) all gifts given to a relevant person by another person (also a *donor*) during the reporting term for the relevant person that total \$500 or more.
- (2) The particulars required for each gift are—
 - (a) the donor's name; and
 - (b) a description of the gift.
- (3) However, subsection (1) does not apply to the following gifts—
 - (a) a gift that is required to be the subject of a return under the *Local Government Electoral Act 2011*, part 6;

-
- (b) a gift received by a relevant person in an official capacity if the relevant person gives it to the council;
 - (c) a gift of hospitality, or attendance at a sporting or cultural event, received by any of the following persons who receive the hospitality or attend the event in an official capacity—
 - (i) a councillor, the chief executive officer, a councillor advisor or a senior executive employee;
 - (ii) a spouse of a person mentioned in subparagraph (i);
 - (d) a gift given to a relevant person by the relevant person's spouse, other family member or friend if the relevant person is satisfied the gift could not give rise to a conflict of interest in relation to the relevant person's duties under the Act.
- (4) In this section—
- gift* means—
- (a) the transfer of money, other property or other benefit—
 - (i) without consideration; or
 - (ii) for a consideration substantially less than full consideration; or
 - (b) a loan of money or other property made on a permanent or indefinite basis, other than an overdraft facility.

13 Sponsored travel or accommodation benefit

- (1) The particulars required for each sponsored travel or accommodation benefit received by a relevant person are—

[s 39]

- (a) the source of the contribution for the travel or accommodation; and
 - (b) the nature and purpose of the benefit.
- (2) In this section—
- employment-related or upgraded*, in relation to a person's travel or accommodation, see section 177E(2) of the Act.
- sponsored travel or accommodation benefit*, received by a relevant person, means—
- (a) a sponsored travel or accommodation benefit within the meaning of section 177E(2) of the Act received by the relevant person; or
 - (b) travel or accommodation undertaken or used by the relevant person, other than employment-related or upgraded travel or accommodation, if—
 - (i) the relevant person's spouse, other family member or friend contributes, whether financially or non-financially, to the cost of the travel or accommodation; and
 - (ii) the contribution could give rise to a conflict of interest in relation to the relevant person's duties under the Act.

14 Membership of political party or trade or professional organisation

The particular required for each political party or trade or professional organisation of which a relevant person is a member is its name.

14A Executive officer of particular organisations

The particular required for each organisation,

other than a corporation mentioned in section 3 or a political party or trade or professional organisation mentioned in section 14, of which a relevant person is an executive officer is its name.

14B Donations made totalling \$500 or more

- (1) This section applies to the following donations made by a relevant person—
 - (a) each donation of \$500 or more made to another person or organisation;
 - (b) all donations made to another person or organisation during the reporting term for the relevant person that total \$500 or more.
- (2) The particular required for each donation is the name of the person or organisation to whom the donation was made.
- (3) However, subsection (1) does not apply to a donation made by a relevant person to the relevant person's spouse, other family member or friend if the relevant person is satisfied the donation could not give rise to a conflict of interest in relation to the relevant person's duties under the Act.

40 Amendment of sch 3, s 16 (Other sources of income of more than \$500 a year)

Schedule 3, section 16, 'more than \$500'—

omit, insert—

\$500 or more

41 Amendment of sch 3, s 17 (Other financial or non-financial interests)

- (1) Schedule 3, section 17, heading, 'financial or non-financial'—
omit.

[s 42]

- (2) Schedule 3, section 17(2), definition *interest*, ‘a financial or non-financial interest’—

omit, insert—

an interest

- (3) Schedule 3, section 17(2), definition *interest*, paragraph (b), ‘duty’—

omit, insert—

duties

42 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

audit committee means the audit committee established under section 200.

conflict of interest, for schedule 3, see schedule 3, section 1.

publicly available means available for inspection by the public at the council’s public office and on its website.

relevant person, for schedule 3, see schedule 3, section 1.

reporting term, for schedule 3, see schedule 3, section 1.

securities, for schedule 3, see schedule 3, section 1.

[s 47]

254A What this division is about

- (1) This division is about local government meetings.
- (2) However, this division does not apply to meetings of an audit committee.

254B Public notice of meetings

- (1) A local government must, at least once in each year, publish a notice of the days and times when—
 - (a) its ordinary meetings will be held; and
 - (b) the ordinary meetings of its standing committees will be held.
- (2) The notice mentioned in subsection (1) must be published on the local government’s website, and in other ways the local government considers appropriate.
- (3) A local government must display in a conspicuous place in its public office a notice of the days and times when—
 - (a) its meetings will be held; and
 - (b) meetings of its committees will be held.
- (4) A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.

254C Notice of meetings and agendas for councillors or committee members

- (1) Notice of each local government meeting or adjourned local government meeting must be given to each councillor or committee member—

- (a) for an indigenous regional council—at least 4 days before the day of the meeting, unless it is impracticable to give the notice before that time; or
 - (b) for another local government—at least 2 days before the day of the meeting, unless it is impracticable to give the notice before that time.
- (2) The notice must—
- (a) state the day and time of the local government meeting; and
 - (b) for a special meeting—state the business to be conducted at the meeting; and
 - (c) include the agenda for the local government meeting.
- (3) The notice may be given to a councillor or committee member by sending the notice to the councillor or member electronically.
- (4) In this section—
- special meeting* means a meeting of a local government at which the only business that may be conducted is the business stated in the notice of meeting.

254D Public availability of agendas

- (1) A local government must make the agenda for a local government meeting publicly available by 5p.m. on the next business day after notice of the meeting is given under section 254C.
- (2) Also, a local government must make a related report for a local government meeting publicly available as follows—
 - (a) if the related report is made available to councillors or committee members before or

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at the time notice of the meeting is given under section 254C—when the agenda for the meeting is made publicly available under subsection (1);

- (b) if the related report is made available to councillors or committee members during the relevant period for the meeting—as soon as practicable after it is made available to the councillors or committee members.
- (3) However, a local government need not make a related report publicly available to the extent it contains information that is confidential to the local government.
- (4) This section does not affect the right to discuss or deal with, at any local government meeting, items arising after notice of the meeting is given under section 254C.
- (5) In this section—

related report, for a local government meeting, means a report or other document relating to an item on the agenda for the meeting that is made available to councillors or committee members for the purposes of the meeting.

relevant period, for a local government meeting, means the period—

- (a) starting immediately after notice of the meeting is given under section 254C; and
- (b) ending immediately before the meeting is held.

254E Procedure at meetings

- (1) Business may be conducted at a local government meeting only if a quorum is present.
- (2) At a local government meeting—

- (a) a question is decided by a majority of the votes of the councillors or committee members present; and
- (b) subject to chapter 5B of the Act, each councillor or committee member present has a vote on each question to be decided and, if the votes are equal, the person presiding at the meeting has a casting vote; and
- (c) if a councillor or committee member present and entitled to vote fails to vote, the councillor or member is taken to have voted in the negative.

254F Minutes

- (1) The chief executive officer must ensure minutes of each local government meeting are taken under the supervision of the person presiding at the meeting.
- (2) Minutes of each local government meeting must include—
 - (a) the names of councillors or committee members present at the meeting; and
 - (b) if a division is called on a question—the names of all persons voting on the question and how they voted; and
 - (c) each relevant report for the meeting, other than to the extent the relevant report contains information that is confidential to the local government.
- (3) However, the minutes of a local government meeting need not include a relevant report if the relevant report has been made publicly available under section 254D.
- (4) At each local government meeting, the minutes of the previous meeting must be confirmed by the

[s 47]

councillors or committee members present.

- (5) A councillor or committee member present at a local government meeting may vote to confirm the minutes of the previous meeting even if—
 - (a) the councillor or member was not present at the previous meeting; or
 - (b) for a councillor—the councillor had a prescribed conflict of interest or declarable conflict of interest in a matter considered, discussed or voted on at the previous meeting.
- (6) A copy of the minutes of each local government meeting must be made publicly available by 5p.m. on the tenth day after the meeting is held, unless the minutes are sooner confirmed.
- (7) When the minutes of a local government meeting have been confirmed, a copy of the confirmed minutes must be made publicly available, and available for purchase at the local government's public office, as soon as practicable after the meeting at which the minutes are confirmed is held.
- (8) The price for purchasing a copy of the minutes of a local government meeting must not be more than the total of—
 - (a) the cost to the local government of having the copy printed and made available for purchase; and
 - (b) if the copy is supplied to a purchaser by post—the cost of postage.
- (9) In this section—

relevant report, for a local government meeting, means a report or other document—
 - (a) directly relevant to a matter considered or voted on at the meeting; or

-
- (b) presented at the meeting for the consideration or information of the local government or committee.

Examples—

- a video or recording, or a transcript of the video or recording, watched or listened to by councillors at a local government meeting before making a decision
- a chart, diagram, spreadsheet or picture considered at a local government meeting
- a copy of an auditor-general's observation report presented at a meeting of the local government under section 213(3)
- a petition or media release presented at a local government meeting

254G Advisory committees exempted from taking minutes

- (1) A local government may, by resolution, exempt an advisory committee from the requirement to take minutes of its proceedings.
- (2) If a local government exempts an advisory committee under subsection (1)—
- (a) section 254F does not apply to the committee; and
- (b) the committee must give the local government a written report of the committee's deliberations and its advice or recommendations; and
- (c) for section 150FA(2) or (4) of the Act, the way prescribed is by including the information in a written statement given to the local government.

254H Recording of reasons for particular decisions

- (1) This section applies if a decision made at a local

[s 47]

government meeting is inconsistent with a recommendation or advice given to the local government by an advisor of the local government and either or both of the following apply to the decision—

- (a) the decision is about entering into a contract the total value of which is more than the greater of the following—
 - (i) \$200,000 exclusive of GST;
 - (ii) 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report;
- (b) the decision is inconsistent with a policy of the local government, or the approach ordinarily followed by the local government for the type of decision.

Examples of decisions to which this section might apply—

- the grant of a licence, permit or approval, however named, under an Act or local law
 - the grant of a concession, rebate or waiver in relation to an amount owed to the local government
 - the disposal of land or a non-current asset
- (2) The chief executive officer must ensure the minutes of the local government meeting include a statement of the reasons for not adopting the recommendation or advice.
 - (3) In this section—

advisor, of a local government, means a person—

- (a) who is an employee of the local government or is otherwise engaged to provide services to the local government; and

- (b) whose duties include giving a recommendation or advice.

254I Meetings in public unless otherwise resolved

A local government meeting is open to the public unless the local government or committee has resolved that the meeting is to be closed under section 254J.

254J Closed meetings

- (1) A local government may resolve that all or part of a meeting of the local government be closed to the public.
- (2) A committee of a local government may resolve that all or part of a meeting of the committee be closed to the public.
- (3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—
 - (a) the appointment, discipline or dismissal of the chief executive officer;
 - (b) industrial matters affecting employees;
 - (c) the local government's budget;
 - (d) rating concessions;
 - (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

[s 47]

- (f) matters that may directly affect the health and safety of an individual or a group of individuals;
 - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
 - (h) negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*;
 - (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.
- (4) However, a local government or a committee of a local government must not resolve that a part of a local government meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the Act will be considered, discussed, voted on or made be closed.
- (5) A resolution that a local government meeting be closed must—
- (a) state the matter mentioned in subsection (3) that is to be discussed; and
 - (b) include an overview of what is to be discussed while the meeting is closed.
- (6) A local government or a committee of a local government must not make a resolution (other than a procedural resolution) in a local government meeting, or a part of a local government meeting, that is closed.

254K Participating in meetings by audio link or audio visual link

- (1) A local government may allow a person to take part in a meeting of the local government by audio link or audio visual link.
- (2) A committee of a local government may allow a person to take part in a meeting of the committee by audio link or audio visual link.
- (3) A councillor or committee member who takes part in a local government meeting under subsection (1) or (2) is taken to be present at the meeting if the councillor or member was simultaneously in audio contact with each other person at the meeting.
- (4) In this section—

audio link see the *Evidence Act 1977*, section 39C.

audio visual link see the *Evidence Act 1977*, schedule 3.

48 Amendment of ch 8, pt 2, div 1, hdg (Local government meetings)

Chapter 8, part 2, division 1, heading, ‘Local government meetings’—

omit, insert—

Requirements for meetings of a local government

49 Amendment of s 255 (What div 1 is about)

Section 255, heading, ‘div 1’—

omit, insert—

this division

[s 50]

50 Omission of s 258 (Notice of meetings)

Section 258—

omit.

51 Omission of s 260 (Procedure at meetings)

Section 260—

omit.

52 Amendment of ch 8, pt 2, div 2, hdg (Local government committees)

Chapter 8, part 2, division 2, heading, ‘Local government committees’—

omit, insert—

Committees and requirements for committee meetings

53 Replacement of s 263 (What div 2 is about)

Section 263—

omit, insert—

263 What this division is about

- (1) This division is about committees of a local government.
- (2) However, this division does not apply to an audit committee of a local government.

54 Omission of s 270 (Procedure at meetings)

Section 270—

omit.

55 Omission of ch 8, pt 2, div 3 (Common provisions for local government and committee meetings)

Chapter 8, part 2, division 3—

omit.

56 Amendment of s 277A (What this division is about)

Section 277A, ‘meetings of a local government or committee of a local government’—

omit, insert—

local government meetings

57 Insertion of new s 277AA

After section 277A—

insert—

277AA Definitions for division

In this division—

audio link see the *Evidence Act 1977*, section 39C.

audio visual link see the *Evidence Act 1977*, schedule 3.

58 Amendment of s 277B (Meetings held by teleconferencing)

Section 277B, ‘teleconferencing’—

omit, insert—

audio link or audio visual link

59 Amendment of s 277C (Participating in meeting by teleconferencing)

(1) Section 277C, ‘teleconferencing’—

[s 60]

omit, insert—

audio link or audio visual link

- (2) Section 277C(1), ‘meeting of a local government or committee of a local government’—

omit, insert—

local government meeting

- (3) Section 277C(3)—

omit, insert—

- (3) This section does not affect, and is not affected by, the operation of section 254K.

60 Amendment of s 277D (Public availability of meetings held or participated in by teleconferencing)

- (1) Section 277D, heading, ‘teleconferencing’—

omit, insert—

audio link or audio visual link

- (2) Section 277D(1)(a) and (b)—

omit, insert—

- (a) a local government meeting is held by audio link or audio visual link; or
(b) a person takes part in a local government meeting by audio link or audio visual link.

- (3) Section 277D(3), ‘section 275’—

omit, insert—

section 254J

61 Amendment of s 277E (Public access to particular meetings)

- (1) Section 277E(1), ‘meeting of a local government or committee of a local government’—

omit, insert—

local government meeting

(2) Section 277E(3), ‘sections 274 and 275’—

omit, insert—

sections 254I and 254J

62 Insertion of new ch 8, pt 2A

Chapter 8—

insert—

Part 2A Councillor advisors

Division 1 Particular matters relating to councillor advisors

277G Councillor advisors—Act, s 197D

- (1) For section 197D(1)(a) of the Act, a local government mentioned in schedule 4A, column 1 is prescribed.
- (2) For section 197D(1)(b) of the Act, the number of councillor advisors prescribed for a councillor of a local government mentioned in schedule 4A, column 1 is the number stated for the councillor in schedule 4A, column 2 opposite the local government.

Division 2 Recommendation of remuneration commission

[s 63]

277H Matters to consider in making recommendation relating to councillor advisors

- (1) This section applies if the Minister asks the remuneration commission under section 197D(2) of the Act, or the *City of Brisbane Act 2010*, section 194C(2), for its recommendation about the making of a regulation in relation to councillor advisors for a local government.
- (2) The remuneration commission—
 - (a) must have regard to the following criteria—
 - (i) the size, and geographical and environmental terrain, of the local government area;
 - (ii) the population of the local government area, including the area's demographics, the spread of population serviced by the local government and the extent of the services the local government provides;
 - (iii) the remuneration category to which the local government belongs;
 - (iv) the financial position of the local government to have councillor advisors; and
 - (b) may have regard to other matters the remuneration commission considers relevant to the effectiveness, efficiency and sustainability of the local government.

63 Amendment of s 289 (What pt 5 is about)

- (1) Section 289, heading, 'pt 5'—

omit, insert—

this part

(2) Section 289(1)—

omit, insert—

(1) This part is about the register of interests of the following persons—

- (a) a councillor;
- (b) a chief executive officer;
- (c) a councillor advisor;
- (d) a senior executive employee;
- (e) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.

(3) Section 289(2), after ‘officer’—

insert—

, councillor advisor

64 Amendment of s 290 (Who maintains registers of interests)

Section 290(1)—

omit, insert—

(1) The chief executive officer must maintain a register of interests of the following persons—

- (a) a councillor;
- (b) a councillor advisor;
- (c) a senior executive employee;
- (d) a person who is related to a councillor, councillor advisor or senior executive employee.

65 Amendment of s 291 (Contents of registers of interests)

(1) Section 291(1) and (2)—

[s 65]

omit, insert—

- (1) A register of interests consists of the forms or other documents used to inform the person required to maintain the register under section 290 about an interest that must be recorded in the register under subsection (2).
- (2) The register of interests of each of the following persons must contain the financial and non-financial particulars mentioned in schedule 5 for an interest held by the person—
 - (a) a councillor;
 - (b) a chief executive officer;
 - (c) a councillor advisor;
 - (d) a senior executive employee;
 - (e) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.
- (2A) However, the register of interests of a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee need not include any interest that is—
 - (a) held jointly, or in common, with the councillor, chief executive officer, councillor advisor or senior executive employee; and
 - (b) included in the register of interests of the councillor, chief executive officer, councillor advisor or senior executive employee.
- (2) Section 291(3), ‘subsection (1)’—

omit, insert—

subsection (2)
- (3) Section 291(2A) to (4)—

renumber as section 291(3) to (5).

66 Amendment of s 292 (Obligation of chief executive officer and senior executive employees to correct register of interests)

Section 292(4), note—

omit, insert—

Note—

See sections 201A to 201C of the Act for the obligations of a councillor or councillor advisor in relation to a register of interest.

67 Amendment of s 293 (Who may inspect a register of interests)

Section 293(2)—

omit, insert—

(2) Subsection (3) applies to a register of interests of—

- (a) a chief executive officer; or
- (b) a councillor advisor; or
- (c) a senior executive employee; or
- (d) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.

68 Amendment of s 294 (Access to particular registers of interests)

Section 294(1)—

omit, insert—

(1) This section applies to the register of interests of—

- (a) a chief executive officer; or

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- (b) a councillor advisor; or
- (c) a senior executive employee; or
- (d) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.

69 Amendment of s 295 (Publication of register of interests of councillors)

Section 295(1), from ‘may be inspected’—

omit, insert—

is publicly available.

70 Amendment of s 296 (Queries on contents of register of interests)

(1) Section 296(2)—

insert—

(ca) if the register of interests relates to a councillor advisor or a person who is related to a councillor advisor—the councillor advisor;

(2) Section 296(2)(ca) and (d)—

renumber as section 296(2)(d) and (e).

71 Insertion of new s 296A

After section 296—

insert—

296A Period for keeping and making available particular registers of interests

(1) A local government must keep a register of interests for a period of 10 years starting on—

-
- (a) for a councillor or a person who is related to a councillor—the last day the councillor holds office as a councillor; or
 - (b) for the chief executive officer or a person who is related to the chief executive officer—the last day the chief executive officer holds appointment as the chief executive officer; or
 - (c) for a councillor advisor or a person who is related to a councillor advisor—the last day the councillor advisor holds appointment as a councillor advisor; or
 - (d) for a senior executive employee or a person who is related to a senior executive employee—the last day the senior executive employee holds appointment as a senior executive employee.
- (2) A local government must ensure the register of interests kept under subsection (1)(a) for a person who was, but is no longer, a councillor is available to be viewed by the public at the local government's public office for the period the local government is required to keep the register.

72 Amendment of s 297 (Improper disclosure of registers of interests)

Section 297(2)(b) and (c)—

omit, insert—

- (b) a councillor advisor;
- (c) a senior executive employee;
- (d) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.

[s 73]

73 Insertion of new ch 19

After section 356—

insert—

**Chapter 19 Transitional
provision for Local
Government
Legislation
(Integrity)
Amendment
Regulation 2020**

357 Gifts and donations—sch 5, ss 12 and 14B

- (1) This section applies if, under schedule 5, a relevant person's reporting term includes a period that occurred partly before the commencement.
- (2) A reference in schedule 5, section 12(1)(b) to a gift given to the relevant person during the person's reporting term includes a reference to a gift given to the person before the commencement during the person's reporting term.
- (3) A reference in schedule 5, section 14B(1)(b) to a donation made during the person's reporting term does not include a reference to a donation made before the commencement during the person's reporting term.

74 Insertion of new sch 4A

After schedule 4—

insert—

Schedule 4A Matters relating to councillor advisors

section 277G

Column 1	Column 2
Local government	Number of councillor advisors
Bundaberg Regional Council	<ul style="list-style-type: none">• for the mayor—1• for another councillor—0
Cairns Regional Council	<ul style="list-style-type: none">• for the mayor—2• for another councillor—0
Fraser Coast Regional Council	<ul style="list-style-type: none">• for the mayor—1• for another councillor—0
Gladstone Regional Council	<ul style="list-style-type: none">• for the mayor—1• for another councillor—0
Gold Coast City Council	<ul style="list-style-type: none">• for the mayor—4• for another councillor—1
Ipswich City Council	<ul style="list-style-type: none">• for the mayor—3• for another councillor—0
Logan City Council	<ul style="list-style-type: none">• for the mayor—3• for another councillor—1
Mackay Regional Council	<ul style="list-style-type: none">• for the mayor—2• for another councillor—0
Moreton Bay Regional Council	<ul style="list-style-type: none">• for the mayor—3• for another councillor—1

[s 75]

Column 1	Column 2
Local government	Number of councillor advisors
Redland City Council	<ul style="list-style-type: none">• for the mayor—2• for another councillor—0
Rockhampton Regional Council	<ul style="list-style-type: none">• for the mayor—1• for another councillor—0
Sunshine Coast Regional Council	<ul style="list-style-type: none">• for the mayor—3• for another councillor—1
Toowoomba Regional Council	<ul style="list-style-type: none">• for the mayor—2• for another councillor—0
Townsville City Council	<ul style="list-style-type: none">• for the mayor—3• for another councillor—0

75 Amendment of sch 5, hdg (Financial and non-financial particulars for registers of interests)

Schedule 5, authorising provision, ‘291(1)’—

omit, insert—

291(2)

76 Replacement of sch 5, ss 1–2

Schedule 5, sections 1 and 2—

omit, insert—

1 Definitions for schedule

In this schedule—

conflict of interest, in relation to a councillor, means—

- (a) a prescribed conflict of interest; or
- (b) a declarable conflict of interest.

relevant person means any of the following persons—

- (a) a councillor;
- (b) a chief executive officer;
- (c) a councillor advisor;
- (d) a senior executive employee;
- (e) a person who is related to a councillor, chief executive officer, councillor advisor or senior executive employee.

reporting term, for a relevant person, means—

- (a) for a councillor or a person who is related to a councillor—the relevant term for the councillor; or
- (b) for the chief executive officer or a person who is related to the chief executive officer—
 - (i) the period of the chief executive officer’s current contract of employment; and
 - (ii) if the chief executive officer held a contract of employment as chief executive officer for a period ending immediately before the start of the current contract—the period of the contract of employment ending immediately before the chief executive officer’s current contract started; or
- (c) for a councillor advisor or a person who is related to a councillor advisor—
 - (i) the period of the councillor advisor’s current contract of employment; and
 - (ii) if the councillor advisor held a contract of employment as a councillor advisor for a period ending immediately before

[s 76]

the start of the current contract—the period of the contract of employment ending immediately before the councillor advisor’s current contract started; or

- (d) for a senior executive employee or a person who is related to a senior executive employee—
 - (i) the period of the senior executive employee’s current contract of employment; and
 - (ii) if the senior executive employee held a contract of employment as a senior executive employee for a period ending immediately before the start of the current contract—the period of the contract of employment ending immediately before the senior executive employee’s current contract started.

securities see the Corporations Act, section 9.

2 Shareholding or controlling interest in corporation

- (1) The particulars required for each corporation in which a relevant person is a shareholder or has a controlling interest in shares are—
 - (a) the corporation’s name; and
 - (b) if the corporation is a proprietary company—
 - (i) the nature of the activities of the proprietary company; and
 - (ii) the investments or other interests in property of the proprietary company; and

(iii) for each corporation that is a subsidiary of the proprietary company—the corporation’s name and investments or other interests in property.

(2) In this section—

controlling interest, in shares in a corporation, for a person, means the person is able—

- (a) to dispose of, or to exercise control over the disposal of, the shares; or
- (b) if the shares are voting shares—to exercise, or to control the exercise of, a voting power attached to the shares.

proprietary company see the Corporations Act, section 9.

subsidiary, in relation to a proprietary company, see the Corporations Act, section 9.

77 **Amendment of sch 5, s 3 (Officer of corporation)**

(1) Schedule 5, section 3, heading, ‘Officer’—

omit, insert—

Executive officer

(2) Schedule 5, section 3, ‘an officer’—

omit, insert—

an executive officer

(3) Schedule 5, section 3(b)—

omit, insert—

(b) the nature of the person’s role as an executive officer; and

[s 78]

78 Amendment of sch 5, s 4 (Beneficial interest in trust or nominee corporation)

Schedule 5, section 4—

insert—

(2) In this section—

nominee corporation means a corporation whose principal business is holding marketable securities under the Corporations Act as a trustee or nominee.

79 Amendment of sch 5, s 5 (Self managed superannuation fund)

(1) Schedule 5, section 5(1), ‘councillor or a person related to a councillor’—

omit, insert—

relevant person

(2) Schedule 5, section 5(2)(c), ‘councillor or’—

omit, insert—

relevant

80 Amendment of sch 5, s 7 (Partnership and joint venture)

Schedule 5, section 7—

insert—

(d) the investments or other interests in property held, of which the relevant person is aware, by the partnership or joint venture.

81 Amendment of sch 5, s 10 (Debentures and similar investments)

Schedule 5, section 10—

insert—

(2) In this section—

debenture see the Corporations Act, section 9.

82 Replacement of sch 5, ss 12-14

Schedule 5, sections 12 to 14—

omit, insert—

12 Gifts totalling \$500 or more

(1) This section applies to the following gifts—

- (a) each gift of \$500 or more given to a relevant person by another person (a *donor*);
- (b) all gifts given to a relevant person by another person (also a *donor*) during the reporting term for the relevant person that total \$500 or more.

(2) The particulars required for each gift are—

- (a) the donor's name; and
- (b) a description of the gift.

(3) However, subsection (1) does not apply to the following gifts—

- (a) a gift that is required to be the subject of a return under the *Local Government Electoral Act 2011*, part 6;
- (b) a gift received by a relevant person in an official capacity if the relevant person gives it to the local government;
- (c) a gift of hospitality, or attendance at a sporting or cultural event, received by any of the following persons who receive the hospitality or attend the event in an official capacity—

[s 82]

- (i) a councillor, chief executive officer, councillor advisor or senior executive employee;
 - (ii) a spouse of a person mentioned in subparagraph (i);
 - (d) a gift given to a relevant person by the relevant person's spouse, other family member or friend if the relevant person is satisfied the gift could not give rise to a conflict of interest in relation to the relevant person's duties under the Act.
- (4) In this section—
- gift* means—
- (a) the transfer of money, other property or other benefit—
 - (i) without consideration; or
 - (ii) for a consideration substantially less than full consideration; or
 - (b) a loan of money or other property made on a permanent or indefinite basis, other than an overdraft facility.

13 Sponsored travel or accommodation benefit

- (1) The particulars required for each sponsored travel or accommodation benefit received by a relevant person are—
 - (a) the source of the contribution for the travel or accommodation; and
 - (b) the nature and purpose of the benefit.
- (2) In this section—

employment-related or upgraded, in relation to a person's travel or accommodation, see section 150EH(2) of the Act.

sponsored travel or accommodation benefit, received by a relevant person, means—

- (a) a sponsored travel or accommodation benefit within the meaning of section 150EH(2) of the Act received by the relevant person; or
- (b) travel or accommodation undertaken or used by the relevant person, other than employment-related or upgraded travel or accommodation, if—
 - (i) the relevant person's spouse, other family member or friend contributes, whether financially or non-financially, to the cost of the travel or accommodation; and
 - (ii) the contribution could give rise to a conflict of interest in relation to the relevant person's duties under the Act.

14 Membership of political party or trade or professional organisation

The particular required for each political party or trade or professional organisation of which a relevant person is a member is its name.

14A Executive officer of particular organisations

The particular required for each organisation, other than a corporation mentioned in section 3 or a political party or trade or professional organisation mentioned in section 14, of which a relevant person is an executive office is its name.

14B Donations made totalling \$500 or more

- (1) This section applies to the following donations made by a relevant person—

[s 83]

- (a) each donation of \$500 or more made to another person or organisation;
 - (b) all donations made to another person or organisation during the reporting term for the relevant person that total \$500 or more.
- (2) The particular required for each donation is the name of the person or organisation to whom the donation was made.
- (3) However, subsection (1) does not apply to a donation made by a relevant person to the relevant person's spouse, other family member or friend if the relevant person is satisfied the donation could not give rise to a conflict of interest in relation to the relevant person's duties under the Act.

83 Amendment of sch 5, s 16 (Other sources of income of more than \$500 a year)

Schedule 5, section 16, 'more than \$500'—

omit, insert—

\$500 or more

84 Amendment of sch 5, s 17 (Other financial or non-financial interests)

(1) Schedule 5, section 17, heading, 'financial or non-financial'—

omit.

(2) Schedule 5, section 17(2), definition *interest*, 'a financial or non-financial interest'—

omit, insert—

an interest

(3) Schedule 5, section 17(2), definition *interest*, paragraph (b), 'duty'—

omit, insert—

duties

85 Amendment of sch 8 (Dictionary)

(1) Schedule 8, definitions *meeting* and *teleconferencing*—
omit.

(2) Schedule 8—
insert—

audit committee see section 105(4) of the Act.

conflict of interest, for schedule 5, see schedule 5, section 1.

publicly available means available for inspection by the public at a local government's public office and on its website.

relevant person, for schedule 5, see schedule 5, section 1.

reporting term, for schedule 5, see schedule 5, section 1.

securities, for schedule 5, see schedule 5, section 1.

ENDNOTES

- 1 Made by the Governor in Council on 20 August 2020.
- 2 Notified on the Queensland legislation website on 21 August 2020.
- 3 The administering agency is the Department of Local Government, Racing and Multicultural Affairs.

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