



Queensland

Local Government Act 1993

Local Government Regulation 1994

Reprinted as in force on 1 July 2005

Reprint No. 5E

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Local Government Regulation 1994

[as amended by all amendments that commenced on or before 1 July 2005]

Part 1 Preliminary

Division 1 Citation of regulation

1 Short title

This regulation may be cited as the *Local Government Regulation 1994*.

Division 2 Interpretation

2 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

3 Prescribed pensions for meaning of *pensioner*

For the schedule, definition *pensioner*, of the Act, each pension under a Commonwealth law is prescribed.

3A State interest

For the schedule, definition *State interest*, paragraph (c), of the Act, the distribution of how-to-vote cards is an interest.

4 Department's address

For the schedule, definition *State office*, of the Act, the department's address is—

Local Government Services
Department of Local Government and Planning
Level 17 Mineral House
41 George Street
BRISBANE Q 4000.

Part 2 The local government system

5 Criteria for cities and towns—Act, s 18

- (1) The criteria for a local government area to be declared a city are—
 - (a) the area must be the centre of a region that provides commercial, industrial, health and public sector services for the region; and
 - (b) the area must, for the 3 years immediately before the declaration, have had—
 - (i) a population of at least 25 000; and
 - (ii) a population of at least 15 000 in its urban centre; and
 - (iii) a population density of at least 150 for each square kilometre of its urban centre.
- (2) The criterion for a local government area to be declared a town is the area must be urban in character.

Example of an area that is urban in character—

An area may be mainly used for commercial and residential purposes. It would be urban in character even though some minor parts of the area are used for rural purposes.

Part 3 Interaction with the State

6 Definitions for pt 3

In this part—

joint arrangement includes—

- (a) a joint standing committee; and
- (b) joint action by agreement; and
- (c) the joint exercise of local government jurisdiction or the joint operation of a facility, service or activity; and
- (d) an agreement on, or extension of, a facility, service or activity outside a local government area; and
- (e) a contribution for the operation of a facility, service or activity outside a local government area; and
- (f) resource sharing by local governments; and
- (g) a joint local government; and
- (h) any other type of joint arrangement the commissioner considers appropriate including an arrangement not dealt with under the Act.

water catchment principle means the principle that water catchment areas should generally be included in the local government area they service.

7 Issues identified

- (1) Subsections (2) to (7) identify issues that may be prescribed under sections 84 or 107¹ of the Act.
- (2) The issue of *resource base sufficiency* is that a local government should have a sufficient resource base—
 - (a) to be able to efficiently and effectively exercise its jurisdiction and operate facilities, services and activities; and

¹ Section 84 (Commissions must have regard to prescribed issues) or 107 (Commission must have regard to prescribed issues) of the Act

- (b) to be flexible and responsive in the exercise of its jurisdiction and the operation of its facilities, services and activities.
- (3) The issue of ***planning*** is that the external boundaries of a local government area should be drawn in a way that—
- (a) helps in—
 - (i) the planning and development for the benefit of the local government area; and
 - (ii) the efficient and effective operation of its facilities, services and activities; and
 - (b) has regard to existing and expected population growth.
- (4) The issue of ***community of interest*** is that the external boundaries of a local government area should be drawn in a way that has regard to community of interest, including that the local government area should generally—
- (a) reflect local communities, for example, the geographical pattern of human activities (where people live, work and engage in leisure activities), and the linkages between local communities; and
 - (b) have a centre, or centres, of administration and service easily accessible to its population; and
 - (c) ensure effective elected representation for residents and ratepayers; and
 - (d) have external boundaries that—
 - (i) do not divide local neighbourhoods or adjacent rural and urban areas with common interests or interdependencies (including, for example, economic, cultural and ethnic interests or interdependencies); and
 - (ii) subject to the water catchment principle—follow the natural geographical features and non-natural features separating different communities; and
 - (iii) do not dissect properties.
- (5) The issue of ***joint arrangements*** is that regard should be had to whether or not a joint arrangement should be established

instead of, or in combination with, a change to the external boundaries of a local government area.

- (6) The issue of *internal boundaries* is that the boundaries of the divisions of a local government area should be drawn in a way that has regard to the following—
- (a) community and diversity of interest;
 - (b) ways of communication;
 - (c) physical features;
 - (d) population density;
 - (e) demographic trends;
 - (f) development trends.
- (7) The issue of *class change* is that regard should be had to the criteria prescribed under section 18² of the Act.

8 Prescribed issues—Act, s 84

- (1) This section prescribes issues to which a commission must have regard under section 84 of the Act when considering a reviewable local government matter, other than a limited reviewable local government matter.
- (2) If the reviewable local government matter relates to the external boundaries of a local government area, the commission must have regard to the following issues—
- resource base sufficiency
 - planning
 - community of interest
 - joint arrangements.
- (3) If the reviewable local government matter is a reviewable local government matter mentioned in section 64(1)(g) or (h)³ of the Act (other than abolishing divisions of a local

2 Section 5 (Criteria for cities and towns—Act, s 18) prescribes criteria under section 18 (Declaration of classes of local government areas) of the Act.

3 Section 64 (Meaning of *reviewable local government matter*) of the Act

government area), the commission must have regard to the issue of internal boundaries.

- (4) If the reviewable local government matter relates to whether the class of a local government area should be changed, the commission must have regard to the issue of class change.

9 Prescribed issues—Act, s 107

- (1) This section prescribes issues to which a commission must have regard under section 107 of the Act when considering a limited reviewable local government matter.
- (2) The commission must have regard to the following issues—
- resource base sufficiency
 - planning
 - community of interest
 - joint arrangements.

10 Aims of joint arrangements

The aims of a joint arrangement must be 1 or more of the following—

- (a) to increase a local government's efficiency in exercising its jurisdiction and in operating a facility, service or activity;
- (b) to help in the planning and development of a local government area;
- (c) to enable the needs of a local government area to be met;
- (d) to achieve and maintain effective representation of the local governments involved.

11 Application of joint arrangements

A joint arrangement may—

- (a) apply to the whole or a part of a local government area;
or

- (b) include local governments even if they were not mentioned in the reference by the Minister.

12 Contents of agreements about joint arrangements

- (1) Every agreement between local governments about a joint arrangement must include the following—
 - (a) a statement of the agreement’s objectives;
 - (b) the aims of the joint arrangement;
 - (c) procedures for amending the agreement if there are changes in a formula used in the agreement (for example, funding, or contribution, based on population);
 - (d) a dispute resolution process;
 - (e) review procedures;
 - (f) a sunset clause.
- (2) Subsection (1) does not limit the matters that may be included in an agreement about a joint arrangement.

12A Overruling particular local laws—Act, s 163

- (1) For protecting State interests, it is declared that the following provisions cease to have effect to the extent they deal with the distribution of how-to-vote cards—
 - (a) Local Law No. 2 (Council Facilities and Other Public Places), section 10,⁴ made by the Caloundra City Council;
 - (b) Local Law No. 5 (Council Facilities), section 10,⁵ made by the Beaudesert Shire Council.
- (2) In this section—

election means—

⁴ Local Law No. 2 (Council Facilities and Other Public Places), section 10 (Distribution of an election publication)

⁵ Local Law No. 5 (Council Facilities), section 10 (Distribution of an election publication)

- (a) an election of a councillor or councillors of a local government; or
- (b) an election of a member or members of the Legislative Assembly.

how-to-vote card means a card, handbill or pamphlet that—

- (a) is or includes—
 - (i) a representation of a ballot paper or part of a ballot paper; or
 - (ii) something apparently intended to represent a ballot paper or part of a ballot paper; or
- (b) lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of the candidates; or
- (c) otherwise directs or encourages the casting of preference votes, other than first preference votes, in a particular way.

Part 4 Local government councillors

13 Definitions

In this part—

gift means—

- (a) the transfer of money or other property—
 - (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).

related person means a person related to a councillor under section 14.

share means—

- (a) a share in the share capital of a corporation; or
- (b) stock; or
- (c) a convertible note; or
- (d) an option contract.

sponsored hospitality benefit, for a local government councillor or related person, means—

- (a) travel undertaken; or
- (b) accommodation used; or
- (c) other hospitality benefit received;

by the councillor or related person, other than in an official capacity, if a contribution (whether in cash or kind) for the cost of the travel, accommodation or other benefit is made by someone other than the councillor or related person.

trade or professional organisation means a body (whether incorporated or unincorporated) of—

- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation;

that has an object of furthering the professional, industrial or economic interests of the body or its members.

13A Prescribed person—Act, ss 226 and 252

Lyall Chad Kawangka of lot 136 Pikkuw Street, Aurukun, Queensland, is a prescribed person—

- (a) for section 226(2)(b) of the Act, in relation to election or appointment as a councillor of Aurukun Shire Council; and
- (b) for section 252(2)(b) of the Act, in relation to becoming an employee of Aurukun Shire Council.

14 Meaning of *related to a councillor*—Act, s 247(1)(b)

- (1) A person is related to a local government councillor if—

- (a) the person is the spouse of the councillor; or
 - (b) the person is the councillor's child and is wholly or substantially dependent on the councillor; or
 - (c) the person is wholly or substantially dependent on the councillor and the person's affairs are so closely connected with the affairs of the councillor that a benefit derived by the person, or a substantial part of it, could pass to the councillor.
- (2) For subsection (1)(a), a councillor's *spouse* is—
- (a) for a councillor holding office before the conclusion of the 2004 quadrennial elections—
 - (i) a person who is married to the councillor; or
 - (ii) another person who, although not married to the councillor, lives with the councillor on a genuine domestic basis as the councillor's husband or wife; and
 - (b) for a councillor holding office at the conclusion of the 2004 quadrennial elections or at a later time, regardless of whether the councillor held office at any time before the conclusion of the elections—the councillor's spouse as defined in the *Acts Interpretation Act 1954*, section 36.
- (3) Subsection (2)(a) applies despite the *Acts Interpretation Act 1954*, section 32DA(6).

15 **Meaning of terms about corporations and other matters**

- (1) The following words have the same meaning in this part as they have in the Corporations Law—
- convertible note
 - corporation
 - debenture
 - holding company
 - nominee corporation
 - officer

- option contract
 - proprietary company
 - subsidiary.
- (2) For the purposes of this part, a person has a controlling interest in shares in a corporation if 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.

16 Register of local government councillor's interests

- (1) A register of a local government councillor's interests must contain particulars about interests held only by the councillor—
- (a) alone; and
 - (b) jointly or in common with a related person.
- (2) A register of interests of a related person must contain particulars about interests held only by the related person—
- (a) alone; and
 - (b) jointly or in common with the councillor for whom the person is a related person.
- (3) However, if the related person's interests that are held jointly or in common with the councillor (for whom the person is a related person) are included in the register of the councillor's interests, the interests need not be included in the register of interests of the related person.

17 Financial and non-financial particulars for registers—Act, s 247(2)(b)

- (1) A register of interests of a local government councillor or related person must contain the following financial and non-financial particulars—

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- (a) for each corporation in which the councillor or related person is a shareholder or has a controlling interest in shares—
 - (i) the corporation's name; and
 - (ii) if the shareholding or interest is a controlling interest in the corporation—details of the shareholdings of the corporation in any other corporation; and
 - (iii) if the shareholding or interest is held in a proprietary company that is the holding company of another corporation—
 - (A) details of the holding company's investments; and
 - (B) the name of any corporation that is a subsidiary of the holding company; and
 - (C) the name of any corporation that is a subsidiary of any corporation that is the holding company's subsidiary;
- (b) for each corporation of which the councillor or related person is an officer—
 - (i) the corporation's name; and
 - (ii) the nature of the office held; and
 - (iii) the nature of the corporation's activities;
- (c) for each family or business trust or nominee corporation in which the councillor or related person holds a beneficial interest—
 - (i) the name of, or a description sufficient to identify, the trust, or the corporation's name; and
 - (ii) the nature of the activities of the trust or corporation; and
 - (iii) the nature of the interest;
- (d) for each family or business trust in which the councillor or related person is a trustee—
 - (i) the name of, or a description sufficient to identify, the trust; and

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- (ii) the nature of the trust's activities; and
 - (iii) the name of each person by whom a beneficial interest in the trust is held;
- (e) for each partnership (including a joint venture) in which the councillor or related person has an interest—
 - (i) the name of, or a description sufficient to identify, the partnership; and
 - (ii) the nature of the partnership's activities; and
 - (iii) the nature of the interest;
- (f) for all real estate in which the councillor or related person has an interest—
 - (i) the suburb or locality of the property; and
 - (ii) the approximate size of the property; and
 - (iii) the purpose for which the property is, and is intended to be, used; and
 - (iv) the nature of the interest;
- (g) for each liability (other than department store and credit card accounts) of the councillor or related person—
 - (i) the nature of the liability; and
 - (ii) the name of the creditor;
- (h) for each debenture or similar investment held by the councillor or related person—
 - (i) the nature of the investment; and
 - (ii) the name of the corporation in which the investment is made; and
 - (iii) the nature of the business of the corporation;
- (i) for each savings or investment account of the councillor or related person held with a financial institution—
 - (i) the nature of the account; and
 - (ii) the name of the institution;
- (j) for each gift, or all gifts totalling, more than \$500 in amount or value received by the councillor or related

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- person—the name and address of the person who gave the gift or gifts to the councillor or related person;
- (k) for each sponsored hospitality benefit received by the councillor or related person—
 - (i) the source of the contribution for the travel, accommodation or other benefit; and
 - (ii) the purpose of the benefit;
 - (l) particulars sufficiently detailed to identify each other substantial source of income received by—
 - (i) the councillor or related person; or
 - (ii) a proprietary company, or trust, in which the councillor or related person holds an interest;
 - (m) particulars sufficiently detailed to identify each other asset of the councillor or related person with a value of more than \$5 000, other than—
 - (i) household and personal effects; and
 - (ii) a motor vehicle used mainly for personal use; and
 - (iii) superannuation entitlements;
 - (n) for each political party, body or association or trade or professional organisation of which the councillor or related person is a member—its name and address;
 - (o) particulars sufficiently detailed to identify each other financial or non-financial interest of the councillor or related person—
 - (i) of which the councillor is aware; and
 - (ii) that raises, appears to raise, or could foreseeably raise, a conflict between the councillor's duty as a councillor and the holder of the interest.
- (2) Subsection (1)(j) does not apply to a gift from a person who—
- (a) if the gift is received by the councillor—is a related person for, or someone else related by blood or marriage to, the councillor; or
 - (b) if the gift is received by the related person—is the councillor for whom the person is a related person, or

someone else related by blood or marriage to the related person.

18 Time for councillor to tell about interests and correcting particulars—Act, s 247(3)

- (1) This section applies to a councillor after the councillor's term of office starts.
- (2) Three months is the time within which a councillor must tell of an interest that—
 - (a) must be recorded in a register of councillor's interests or a register of interests for a related person for the councillor; or
 - (b) is recorded but the particulars of which are no longer correct.⁶

19 Way for councillor to tell about interests and correct particulars—Act, s 247(3)

A councillor may tell the chief executive officer of the local government by giving the officer a statement of interests, or a notice of correct particulars, in the approved form.

Part 5 Local government elections

20 Date of triennial elections in 1997—Act, s 269(3)

The date for holding the triennial elections for local governments in 1997 is fixed as Saturday 15 March 1997.

⁶ This section does not affect any obligations of a councillor under section 249 of the Act.

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- (c) land development; or
- (d) plant purchase, sale or hire; or
- (e) quarrying; or
- (f) the sale or distribution of food or water for stock during times of natural disaster; or
- (g) the supply of gas or electricity; or
- (h) one or more of the following, but only if operated by the Aurukun Shire Council within the local government area of the Shire of Aurukun, or by the Mornington Shire Council within the local government area of the Shire of Mornington—
 - (i) general store for the sale of goods including, for example, food, clothing and petrol;
 - (ii) post office;
 - (iii) licensed premises under the *Liquor Act 1992*.

local government services includes the following services—

- (a) accommodation services, including, for example, hostels, hotels, motels, caravan parks and camping grounds;
- (b) cultural services, including, for example, civic or cultural centres, public halls, function rooms and public entertainment;
- (c) educational services, including, for example, kindergartens, libraries and student hostels;
- (d) environmental services, including, for example, river and creek cleaning, flood mitigation and refuse tips;
- (e) community services, including, for example, child care centres and facilities for aged persons and persons with disabilities;
- (f) recreational services, including, for example, swimming pools, sports grounds and showgrounds;
- (g) regulatory services, including, for example, animal control, building and drainage matters and anti-litter programs;

- (h) services for health (including public health) and safety, including, for example, the supply of water, sewerage, refuse collection and disposal, fire protection, beach patrols, health inspections and mosquito and vermin control;
- (i) transport services including, for example—
 - (i) buses, ferries and other methods of transport; and
 - (ii) aerodromes, boat ramps, jetties, marinas, parking facilities and other facilities necessary or convenient for transport; and
 - (iii) construction and maintenance of private roads.

23 Limits of enterprise powers—Act, s 500

- (1) The matters prescribed in schedule 1 are the components of a local government's own source revenue.
- (2) The percentage of a local government's own source revenue for the purpose of section 500(2)(b) of the Act is 5%.
- (3) Three years is prescribed as the maximum number of years for which a local government may carry forward uncommitted amounts under section 500(3) of the Act.

Part 7 Financial operation and accountability of local governments

24 Chapter 7 of the Act

Chapter 7 of the Act deals with the financial operation and accountability of local governments.⁷

⁷ This regulation follows the structure of the Act. The headings to the parts of the regulation are substantially the same as the headings to the chapters of the Act. This part and section are included to maintain the relationship of the numbering sequence so that the part number is the same as the chapter number.

Part 8 National competition reform of significant business activities

25 Prescribed requirement for public benefit assessments and public benefit assessment reports—Act, s 559

- (1) To the extent it is reasonably practicable, public benefit assessments and public benefit assessment reports must comply with the assessment guidelines.
- (2) In this section—

assessment guidelines means the document called ‘Local Government Competitive Neutrality Public Benefit Assessment Guidelines’ issued by the State Local Government National Competition Policy Working Group.⁸

Part 9 Conduct of competitive business activities

26 Activities of local governments that are not business activities—Act, s 762

- (1) For section 762(2)⁹ of the Act, an activity of a local government is not a business activity for a financial year if the amount of current expenditure for the activity for the preceding financial year is less than \$200 000.
- (2) For subsection (1), the amount of current expenditure for an activity for a financial year is the total of the following amounts for carrying on the activity for the year—
 - operational costs
 - administrative and overhead costs

⁸ Copies of the Local Government Competitive Neutrality Public Benefit Assessment Guidelines may be inspected at the State office of the Department of Local Government, Planning, Sport and Recreation at each local government’s public office.

⁹ Section 762 (Meaning of *business activity*) of the Act

- cost of resources
 - depreciation.
- (3) For subsection (2), the administrative and overhead costs are calculated under the following relevant instrument—
- *City of Brisbane Regulation 1993*, section 27¹⁰
 - *Local Government Finance Standard 1994*, section 88.¹¹
- (4) For subsection (2), the cost of resources is to be calculated under the following relevant instrument—
- *City of Brisbane Regulation 1993*, section 28¹²
 - *Local Government Finance Standard 1994*, section 89.¹³
- (5) For subsection (2), depreciation is to be calculated under the following relevant instrument—
- *City of Brisbane Regulation 1993*, section 29¹⁴
 - *Local Government Finance Standard 1994*, section 90.¹⁵

Part 10 Reform of certain water and sewerage services

27 Requirements for two-part tariff assessments and reports—Act, s 777

- (1) To the extent it is reasonably practicable, two-part tariff assessments and two-part tariff reports must comply with the evaluation guidelines.

10 *City of Brisbane Regulation 1993*, section 27 (Administrative and overhead costs)

11 *Local Government Finance Standard 1994*, section 88 (Administrative and overhead costs)

12 *City of Brisbane Regulation 1993*, section 28 (Cost of resources used in carrying on activity)

13 *Local Government Finance Standard 1994*, section 89 (Cost of resources used in carrying on activity)

14 *City of Brisbane Regulation 1993*, section 29 (Depreciation)

15 *Local Government Finance Standard 1994*, section 90 (Depreciation)

identification guidelines means the document called ‘National Competition Policy Guidelines to Assist Local Governments Identify Possible Anti-competitive Provisions in Proposed Local Laws and Proposed Local Law Policies’ issued by the department.¹⁹

public interest test guidelines means the document called ‘National Competition Policy Guidelines for Conducting Public Interest Tests on *Possible* Anti-competitive Provisions in Local Laws and Local Law Policies’ issued by the department.²⁰

30 Anti-competitive provisions—Act, s 885

- (1) For section 885 of the Act, definition *anti-competitive provision*, this section prescribes provisions of a proposed local law or proposed subordinate local law that are treated as creating barriers to entry to a market or barriers to competition within a market.
- (2) For a model local law proposed to be made by a local government, the provision is a provision the local government considers, under section 5.1.2 of the identification guidelines, as being within the criteria applied under the section.
- (3) For a local law (other than a model local law) or a subordinate local law proposed to be made by a local government, the provision is a provision that—
 - (a) is not excluded by the local government under section 5.2.1 or 5.2.2 of the identification guidelines; and
 - (b) is identified by the local government, under section 5.2.3 of the identification guidelines, as being within the criteria applied under the section.

19 Copies of the National Competition Policy Guidelines to Assist Local Governments Identify Possible Anti-competitive Provisions in Proposed Local Laws and Proposed Local Law Policies may be inspected at the State office of the Department of Local Government, Planning, Sport and Recreation.

20 Copies of the National Competition Policy Guidelines for Conducting Public Interest Tests on *Possible* Anti-competitive Provisions in Local Laws and Local Law Policies may be inspected at the State office of the Department of Local Government, Planning, Sport and Recreation.

31 Identification of possible anti-competitive provisions—Act, s 893

To the extent it is reasonably practicable, for identifying possible anti-competitive provisions of proposed local laws or proposed subordinate local laws, the procedures a local government follows must be in accordance with the identification guidelines.

32 Requirements for public interest tests and test reports—Act, s 893

To the extent it is reasonably practicable, public interest tests and public interest test reports must comply with the public interest test guidelines.

33 Giving of information to Minister—Act, s 893

To the extent it is reasonably practicable, for identifying possible anti-competitive provisions of proposed local laws or proposed subordinate local laws, a local government must give to the Minister information in accordance with the identification guidelines.

Division 2 Public access to subordinate local laws

34 Subordinate local law register—Act, s 895(2)

- (1) A local government's register of its subordinate local laws must contain the following information about each law—
- (a) the law's name;
 - (b) the purposes and general effect of the law;
 - (c) the name of the local law allowing the law to be made;
 - (d) the name of any existing subordinate local law amended or repealed by the new law;
 - (e) if the law is for a limited time—details of the limitation;

- (f) if the law applies only to a part of the local government's area—a description of the part;
 - (g) the date of the local government's resolution to make the law;²¹
 - (h) the date of the public notice advising of the making of the law and the name of each newspaper in which the notice appeared;²²
 - (i) the date the law commences.²³
- (2) The local government may include any other information in the register about the law that it considers appropriate.

Division 3 Drafting standards for proposed local laws and subordinate local laws

34A Prescribed drafting standards

- (1) This section prescribes the drafting standards for proposed local laws and subordinate local laws.²⁴
- (2) Proposed local laws and subordinate local laws must—
 - (a) be drafted using gender-neutral language; and
 - (b) have sufficient regard to fundamental legislative principles;²⁵ and
 - (c) be consistent with the guidelines issued by the parliamentary counsel under the *Legislative Standards*

21 See section 881 (Step 5—make proposed subordinate local law) of the Act.

22 See section 882 (Step 6—give public notice of subordinate local law) of the Act.

23 See section 882(4) of the Act.

24 Under chapter 12, part 2 of the Act, the process for making a proposed local law or subordinate local law includes giving the Minister a drafting certificate. The certificate must state that the law is drafted in accordance with drafting standards prescribed under a regulation—see definition *drafting certificate* in the schedule of the Act.

25 See the *Legislative Standards Act 1992*, section 4 (Meaning of *fundamental legislative principles*).

Act 1992, section 9, for local laws and subordinate local laws.²⁶

- (3) However, subsection (2)(a) does not apply to a provision of a proposed law that is to apply to a specific gender.

34B Particular application of drafting standards

- (1) This section applies for the application, under section 34A(2)(b), of the review principle to a proposed local law or subordinate local law that provides for an exercise of administrative power.
- (2) This section applies only to the extent that the application of the review principle may, apart from this section, require a review on the merits of the exercise of the power.
- (3) If the power is proposed to be exercised by an employee of the local government, it is declared that it is sufficient for the review principle if the law provides for the exercise of the power to be reviewed on the merits by the local government by resolution.
- (4) If the power is proposed to be exercised by the local government by resolution, it is declared that the review principle does not require that the law provide for the exercise of the power to be reviewed on the merits.
- (5) In this section—

review principle means the fundamental legislative principle mentioned in the *Legislative Standards Act 1992*, section 4(3)(a).

26 The matters mentioned in subsection (2)(a) and (b) are dealt with in detail in the guidelines. Copies of the guidelines are available for inspection from the department at 111 George Street, Brisbane. In addition, the guidelines are included in the website of the Office of the Queensland Parliamentary Counsel <www.legislation.qld.gov.au>.

Part 13 Local government infrastructure

35 Register of roads—Act, s 921(3)(c)

- (1) A local government's register of roads must also show—
 - (a) the length of every road in the local government's area;
 - (b) if a road is formed, gravelled pavement or sealed pavement—the length and width of the formed, gravelled pavement or sealed pavement part of the road.
- (2) In this section—

formed road means a road (other than a gravelled pavement or sealed pavement road) formed so that stormwater drains from the road.

gravelled pavement road means a road surfaced with gravel, limestone or rubble and constructed by the use of a soil stabilisation process.

sealed pavement road means a road with a surface of asphalt, bitumen, concrete or pavers.

unformed road means a road or track that is—

 - (a) not a formed, gravelled pavement or sealed pavement road; but
 - (b) is open to, and used by, the public.
- (3) For the purposes of this section—
 - (a) a length must be measured in kilometres and a width must be measured in metres; and
 - (b) the width of a divided road is the total width of all sections of the divided road that are formed, gravelled pavement or sealed pavement; and
 - (c) if a road consists of a through road and an adjacent road—the register must show the width of each as if each were a separate road.

Part 14 Rates and charges

36 Land exempted from rating—Act, s 957

- (1) For section 957(1)(f)²⁷ of the Act, the following land is exempt from rating—
- (a) if land is vested in, or placed under the management and control of, a person under an Act for recreation, sporting or charitable purposes—land used for 1 or more of the purposes;
 - (b) land used for purposes of a public hospital that is—
 - (i) part of a private hospital complex; or
 - (ii) a private and public hospital complex;if the land used for the purposes is separated from the rest of the complex and the land used for the purposes is not more than 2 ha;
 - (c) land owned or held by a local government unless the land is leased by the local government to someone else (other than another local government);
 - (d) land owned by a religious entity if the land is less than 20 ha and is used for 1 or more of the following purposes—
 - (i) religious purposes, including, for example, public worship;
 - (ii) the provision of education, health or community services including facilities for aged persons and persons with disabilities;
 - (iii) the administration of the religious entity;
 - (iv) housing incidental to a purpose mentioned in subparagraph (i), (ii) or (iii);
 - (e) land owned by a community entity (including, for example, the Queensland Country Women's Association), if the land is less than 20 ha and is used—

²⁷ Section 957 (What land is rateable) of the Act

- (i) for providing accommodation associated with the protection of children; or
 - (ii) for providing accommodation for students; or
 - (iii) for providing educational, training or information services aimed at improving labour market participation or leisure opportunities;
 - (f) land used for a cemetery;
 - (g) land used for charitable purposes if the local government concerned has, by resolution, decided the land should be exempt;
 - (h) land used primarily for showgrounds or horseracing (other than land specified in paragraph (a)) if the local government concerned has, by resolution, decided the land should be exempt.
- (2) For the purposes of this section, land may be taken to be used for a purpose (the *primary purpose*) even though it is also used for purposes incidental to the primary purpose including some commercial purposes.

Example for subsection (2)—

The primary purpose of land may be a showground. At the annual agricultural show, horse racing may be conducted. The horse racing is incidental to the primary purpose. However, if horse racing was held weekly, it could be that the primary purpose of the land is a race track.

37 Requirements for local government's land record—Act, s 994(2)

- (1) A local government's land record must contain the following information for each parcel of rateable land in its area—
- (a) the owner's name and postal address;
 - (b) a description of the parcel including its location and size;
 - (c) the unimproved value, and effective value, of the land and the date the most recent effective value took effect;
 - (d) information about rates for the parcel, including—
 - (i) the type and amounts of rates levied on the parcel; and

- (ii) if differential general rates are levied—the parcel’s rating category; and
 - (iii) the date of each levy and the time for payment; and
 - (iv) the period for which the rates are levied; and
 - (v) the financial year to which the rates apply; and
 - (vi) information about the local government’s discount periods, concessions and payment by instalments arrangements; and
 - (vii) overdue rates, accrued interest on overdue rates and the interest rate that applies to overdue rates; and
 - (viii) the date the rates are paid.
- (2) The local government may include any other information in the land record that it considers appropriate.

38 Limit on interest for overdue rate—Act, s 1018(3)(a)

The rate of interest must not be more than 11% a year.

39 Notice of intention to sell land—Act, s 1041(3)

- (1) A notice of intention to sell land must include the following matters—
- (a) a statement that the local government has decided to sell the land because an overdue rate has remained unpaid;
 - (b) a statement that the notice is a notice of intention to sell land under section 1041 of the Act;
 - (c) the date of the local government’s meeting at which the relevant resolution was made under section 1040 of the Act and the terms of the resolution;
 - (d) a description of the location and size of the land as shown in the local government’s land record;
 - (e) details of all overdue rates for the land including the time for which the rates have remained unpaid;
 - (f) details of interest accrued to the date of the notice and the rate at which interest is accruing;

- (g) a description of the way the interest mentioned in paragraph (f) is calculated;
 - (h) the amount of all overdue rates and other amounts owing at the date of the notice.²⁸
- (2) The chief executive officer must sign the notice.

40 Notice for registering purchaser for interest—Act, s 1049(2)

A notice mentioned in section 1049(2)²⁹ of the Act must be in the approved form³⁰ for a transfer lodged in the land registry.

41 Application for registering local government for interest—Act, s 1050(2)

An application mentioned in section 1050(2)³¹ of the Act must be in the approved form³² for a general request lodged in the land registry.

42 Notice of intention to acquire valueless land—Act, s 1052(2)

- (1) A notice of intention to acquire land must include the following matters—
- (a) a statement that the local government is acquiring the land under section 1051 of the Act;
 - (b) a statement that the notice is a notice of intention to acquire land under section 1052 of the Act;

28 Section 1041(2) of the Act sets out other information that is to be given to the owner of the land and other interested persons.

29 Section 1049 (Issue of title) of the Act

30 Land registry forms notified for the *Land Title Act 1994* and the *Land Act 1994*, form 1.

31 Section 1050 (Acquisition by local government of title to land) of the Act

32 Land registry forms notified for the *Land Title Act 1994* and the *Land Act 1994*, form 14.

- (c) the date of the local government's meeting at which the relevant resolution was passed under section 1051A³³ of the Act and the terms of the resolution;
 - (d) a description of the location and size of the land as shown in the local government's land record;
 - (e) details of all overdue rates for the land including the time for which the rates have remained unpaid;
 - (f) details of interest accrued to the date of the notice and the rate at which interest is accruing;
 - (g) a description of the way the interest mentioned in paragraph (f) is calculated;
 - (h) the amount of all overdue rates at the date of the notice;
 - (i) a copy of section 1052A³⁴ of the Act and a general outline of the owner's rights to pay overdue rates.
- (2) The chief executive officer must sign the notice.

43 Application for registering local government for interest—Act, s 1053(3)

An application mentioned in section 1053(3)³⁵ of the Act must be in the approved form³⁶ for a general request lodged in the land registry.

33 Section 1051A (Resolution to remove valueless land from land record) of the Act

34 Section 1052A (Restoration of valueless land to land record)

35 Section 1053 (Application to be registered as owner) of the Act

36 Land registry forms notified for the *Land Title Act 1994* and the *Land Act 1994*, form 14.

Part 15 **Provisions aiding local government**

44 **Who may be appointed as authorised persons—Act, s 1084(1)**

The following persons are prescribed for section 1084(1)(b)³⁷ of the Act, for appointment by a local government (the *appointing local government*) as an authorised person—

- (a) a person who contracts with the appointing local government to provide services to it for the administration and enforcement of a local government Act;
- (b) a person who is an employee of an entity that contracts with the appointing local government to provide services to it for the administration and enforcement of a local government Act;
- (c) a person who is an employee of another local government and who performs duties for the appointing local government under an arrangement between the appointing local government and the other local government.

45 **Minimum amounts of insurance against liability—Act, s 1123**

- (1) The minimum amount of public liability insurance for a local government is \$30 000 000.
- (2) The minimum amount of professional indemnity insurance for a local government is \$10 000 000.

³⁷ Section 1084 (Appointment) of the Act

Part 16 Local government staff**Division 1 Equal opportunity of employment****Subdivision 1 Object of division and related matters****46 Purpose, role of EEO and how it is to be achieved**

- (1) The purpose of this division is to promote equality of employment opportunity in local governments.
- (2) Equality of employment opportunity enhances the capacity of local governments to achieve their objectives by—
 - (a) improving organisational efficiency and productivity through the selection and employment of the best and most talented people; and
 - (b) fulfilling the social justice obligations of equity and fairness; and³⁸
 - (c) increasing the effectiveness of service delivery and decision making by adopting an employee profile more accurately reflecting the community profile.
- (3) The purpose of the division is to be achieved by—
 - (a) requiring each local government to take the steps set out in subdivision 2³⁹ to develop an EEO management plan that—
 - (i) enables members of the target groups to—
 - (A) compete for recruitment, selection, promotion and transfer in the particular local government; and

38 The social justice obligations of equity and fairness are based on the idea that all people should be able to compete for employment on the basis of the ability to do the job.

39 Subdivision 2 (Development of equal employment opportunity management plan)

- (B) pursue careers in the particular local government;
as effectively as people who are not members of the target groups; and
- (ii) eliminates unlawful discrimination by the particular local government or its employees against members of the target groups in employment matters; and
- (b) requiring each local government to implement its EEO management plan under subdivision 4;⁴⁰ and
- (c) establishing procedures to monitor compliance with the requirements.

47 Merit principle reinforced

Nothing in this division is to be taken to require an action incompatible with the principle that recruitment, selection, promotion and transfer are to be dealt with on the basis of merit.

48 Criteria for exemption from compliance with div 1—Act, s 1130

The criteria the Minister must consider before exempting a local government from complying with this division are—

- (a) the local government should have fewer than 40 employees; and
- (b) the likely benefits to the local government of adopting and implementing an EEO management plan under this division are outweighed by the likely financial and administrative costs to the local government of adopting and implementing the plan.

40 Subdivision 4 (Implementation of plan)

Subdivision 2 Development of equal employment opportunity management plan

49 Local government to develop EEO management plan

- (1) A local government must develop an EEO management plan to ensure appropriate action is taken by it—
 - (a) to promote equal employment opportunity for members of the target groups in employment matters; and
 - (b) to eliminate unlawful discrimination by it against members of the target groups in employment matters.
- (2) The EEO management plan must be developed in time for implementation of the plan to begin when the local government's corporate plan is adopted.

50 Steps to be followed in ongoing development of EEO management plan

A local government must take the following steps in developing its EEO management plan on an ongoing basis—

Step 1—Issue policy statement and keep employees informed

Inform employees of the local government's EEO policy and the results of monitoring and evaluating the implementation of the local government's EEO management plan under step 8.

Step 2—Nominate person to have EEO responsibility

Give responsibility for the development, implementation and continuous review of the EEO management plan to a person who has, or persons who have, sufficient authority and status within the management of the local government to enable the person or persons to properly do this.

Step 3—Consult with trade unions

Consult with the trade unions that have members who are, or will be, affected by the EEO management plan about the development and implementation of the plan.

Step 4—Consult with employees

Consult with the local government's employees, particularly employees who are members of the target groups, about the development and implementation of the EEO management plan.

Step 5—Collect statistics

Collect and record statistics and related information about the number of employees who are members of the target groups and the salary stream and level of the employees.

Step 6—Review policies and practices

Examine the local government's policies and practices about employment matters to identify—

- (a) patterns (including patterns identified statistically) of inequality of opportunity for members of the target groups; and
- (b) policies or practices unlawfully discriminating against members of the target groups.

Step 7—Set objectives and implementation strategy

Set qualitative and quantitative objectives consistent with the purposes of this regulation and develop a strategy for implementing the EEO management plan to achieve the objectives.

Step 8—Assess implementation

Monitor and evaluate the implementation of the EEO management plan to assess whether the objectives have been achieved.

51 Local government may amend EEO management plan

A local government may amend its EEO management plan.

Subdivision 4 Implementation of plan

55 Local government to give effect to EEO management plan

A local government must take any action necessary to implement its EEO management plan.

56 Employment powers to be exercised having regard to EEO management plan

A person who exercises powers relating to employment matters in a local government must have regard to the local government's EEO management plan in exercising the powers.

Subdivision 5 EEO information in annual report

57 Local government's activities to implement EEO management plan

The following information is prescribed for section 534(i) of the Act—

- (a) statistics for at least the last 3 years about the number of employees who are members of the target groups and the salary stream and level of the employees;
- (b) information about consultation with the following groups and the outcome of the consultation—
 - (i) trade unions that have members who are, or will be, affected by the EEO management plan;
 - (ii) the local government's employees, particularly employees who are members of the target groups;
- (c) information about activities undertaken by the local government during the past year to eliminate unlawful discrimination against, or harassment of, the local government's employees;
- (d) information about the local government's forward plan for the implementation of its EEO management plan for the next financial year;

- (e) information about any other activities undertaken by the local government to create a positive work environment for the local government's employees.

Subdivision 6 Supervision by chief executive

58 Chief executive may take action if dissatisfied with EEO management

- (1) This section applies if the chief executive is dissatisfied with any matter relating to the action taken by a local government—
 - (a) to promote equal employment opportunity for members of the target groups; or
 - (b) to eliminate unlawful discrimination by the local government against members of the target groups.
- (2) The chief executive may, by written notice, recommend to the local government's chief executive officer the action the local government should take to overcome the dissatisfaction.
- (3) The notice must state the time within which the action must be taken.

59 Local government to comply with recommendation unless chief executive notified

A local government must comply with a notice given to its chief executive officer under section 58(2) within the time stated for the action unless the chief executive officer gives the chief executive of the department written notice of the local government's reason for not complying with the recommendation.

60 Chief executive's power when local government does not act or give satisfactory reasons

- (1) This section applies if the chief executive of the department is not satisfied—

- (a) the local government has taken the action the chief executive has recommended within the time stated for the action; or
 - (b) about the local government's reasons given in its notice for not complying with the recommendation.
- (2) The chief executive may—
- (a) report the matter to the Minister; or
 - (b) refer the matter to the Anti-Discrimination Tribunal.

Subdivision 7 Supervision by tribunal

61 Tribunal may recommend conciliation

If the Anti-Discrimination Tribunal believes a reference given to it under section 60(2)(b) may be resolved by conciliation, the tribunal may recommend that the chief executive officer of the local government concerned and the chief executive of the department try to resolve the reference by conciliation.

62 Otherwise tribunal must determine reference

The Anti-Discrimination Tribunal must determine a reference given to it, unless the reference is resolved by conciliation because of a recommendation under section 61.

63 Tribunal may investigate a reference

The Anti-Discrimination Tribunal may hold an investigation into a reference.

64 Legal representation with permission

During an investigation into a reference, any of the following may be represented by a lawyer with the Anti-Discrimination Tribunal's permission—

- (a) the chief executive of the department;

- (b) the local government concerned;
- (c) the local government's chief executive officer.

65 Tribunal's powers at an investigation

- (1) For an investigation, the Anti-Discrimination Tribunal may require the particular local government or its chief executive officer—
 - (a) to answer a question; or
 - (b) to give the tribunal information; or
 - (c) to produce to the tribunal a document or other thing; or
 - (d) to give the tribunal a copy of a document.
- (2) A requirement under subsection (1) must—
 - (a) be in writing; and
 - (b) state or describe the information, document or thing required; and
 - (c) state a reasonable time for compliance.
- (3) The local government or chief executive officer required to do something by the tribunal under subsection (1) must comply with the requirement even though—
 - (a) compliance with a similar requirement in proceedings in a court of law might be excused on the grounds of public interest; or
 - (b) the local government or chief executive officer might be able to claim privilege.
- (4) The local government or chief executive officer required to do something by the tribunal under subsection (1) may comply with the requirement even though the local government or chief executive officer is subject to a duty of secrecy or other restriction on disclosure.
- (5) An individual is not required under this regulation to answer a question, or give information, that might tend to incriminate the individual.

66 End of reference

- (1) At the end of a reference, the Anti-Discrimination Tribunal must give a report (with or without recommendations) to the chief executive officer of the local government concerned and the chief executive of the department.
- (2) The chief executive of the department must give a copy of the report to the Minister as soon as practicable after receiving it.

67 Recommendation may be to amend EEO management plan

In a report under section 66, the Anti-Discrimination Tribunal may recommend that a local government amend its EEO management plan in a particular way.

68 Local government to comply with recommendation

A local government must comply with a recommendation given in a report under section 66.

Subdivision 8 Tabling of reports and review of division**69 Minister may table report**

The Minister may table in the Legislative Assembly a report given to the Minister under section 60(2)(a) or 66(2).⁴¹

⁴¹ Section 60 (Chief executive's power when local government does not act or give satisfactory reasons) and section 66 (End of reference)

Division 2 Register of delegations by chief executive officer to employees

71 Particulars to be contained in register of delegations by chief executive officer to employees—Act, s 1132(4)

A register of delegations by the chief executive officer of a local government to other employees of the local government must—

- (a) contain the name of the person, or the title of the office held by the person, to whom the powers are delegated; and
- (b) identify the powers delegated including—
 - (i) the provisions of the Act permitting or requiring the exercise of the powers; and
 - (ii) if the powers delegated have been delegated to the chief executive by the local government—the provisions of a local government Act permitting or requiring the exercise of the powers; and
- (c) contain the date of the delegation; and
- (d) contain a summary of any conditions to which the delegation is subject.

Division 3 Matters about disclosures by employees

72 Definitions

In this division—

gift means—

- (a) the transfer of money or other property—
 - (i) without consideration; or
 - (ii) for a consideration substantially less than full consideration; or

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- (b) a loan of money or other property made on a permanent or indefinite basis (other than an overdraft facility).

related person means a person related to a relevant employee under section 73.

relevant employee of a local government means—

- (a) the chief executive officer; or
- (b) a senior executive officer of the local government; or
- (c) an employee of the local government about whom the chief executive officer of the local government must keep a register because the local government has made a decision about the employee under section 1139(2)(b) of the Act.

share means—

- (a) a share in the share capital of a corporation; or
- (b) stock; or
- (c) a convertible note; or
- (d) an option contract.

sponsored hospitality benefit, for a relevant employee or related person, means—

- (a) travel undertaken; or
- (b) accommodation used; or
- (c) other hospitality benefit received;

by the relevant employee or related person, other than in an official capacity, if a contribution (whether in cash or kind) for the cost of the travel, accommodation or other benefit is made by someone other than the relevant employee or related person.

trade or professional organisation means a body (whether incorporated or unincorporated) of—

- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation;

that has an object of furthering the professional, industrial or economic interests of the body or its members.

73 Meaning of *related* to a relevant employee—Act, s 1139(1)(b) and (2)(c)

A person is related to a relevant employee if—

- (a) the person is the spouse of the relevant employee; or
- (b) the person is the relevant employee's child and is wholly or substantially dependent on the relevant employee; or
- (c) the person is wholly or substantially dependent on the relevant employee and the person's affairs are so closely connected with the affairs of the relevant employee that a benefit derived by the person, or a substantial part of it, could pass to the relevant employee.

74 Meaning of terms about corporations and other matters

- (1) The following words have the same meaning in this division as they have in the Corporations Law—
 - convertible note
 - corporation
 - debenture
 - holding company
 - nominee corporation
 - officer
 - option contract
 - proprietary company
 - subsidiary.
- (2) For the purposes of this part, a person has a controlling interest in shares in a corporation if 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.

75 Register of interests of relevant employees

- (1) A register of interests of a relevant employee must contain particulars about interests held only by the relevant employee—
 - (a) alone; and
 - (b) jointly or in common with a related person.
- (2) A register of interests of a related person must contain particulars about interests held only by the related person—
 - (a) alone; and
 - (b) jointly or in common with the relevant employee for whom the person is a related person.
- (3) However, if the related person's interests that are held jointly or in common with the relevant employee (for whom the person is a related person) are included in the register of interests of the relevant employee, the interests need not be included in the register of interests of the related person.

76 Financial and non-financial particulars for registers—Act, s 1139(3)(b)

- (1) A register of interests of a relevant employee or related person must contain the following financial and non-financial particulars—
 - (a) for each corporation in which the relevant employee or related person is a shareholder or has a controlling interest in shares—
 - (i) the corporation's name; and
 - (ii) if the shareholding or interest is a controlling interest in the corporation—details of the shareholdings of the corporation in any other corporation; and
 - (iii) if the shareholding or interest is held in a proprietary company that is the holding company of another corporation—
 - (A) details of the holding company's investments; and

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- (B) the name of any corporation that is a subsidiary of the holding company; and
 - (C) the name of any corporation that is a subsidiary of any corporation that is the holding company's subsidiary;
- (b) for each corporation of which the relevant employee or related person is an officer—
 - (i) the corporation's name; and
 - (ii) the nature of the office held; and
 - (iii) the nature of the corporation's activities;
- (c) for each family or business trust or nominee corporation in which the relevant employee or related person holds a beneficial interest—
 - (i) the name of, or a description sufficient to identify, the trust, or the corporation's name; and
 - (ii) the nature of the activities of the trust or corporation; and
 - (iii) the nature of the interest;
- (d) for each family or business trust in which the relevant employee or related person is a trustee—
 - (i) the name of, or a description sufficient to identify, the trust; and
 - (ii) the nature of the trust's activities; and
 - (iii) the name of each person by whom a beneficial interest in the trust is held;
- (e) for each partnership (including a joint venture) in which the relevant employee or related person has an interest—
 - (i) the name of, or a description sufficient to identify, the partnership; and
 - (ii) the nature of the partnership's activities; and
 - (iii) the nature of the interest;
- (f) for all real estate in which the relevant employee or related person has an interest—

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- (i) the suburb or locality of the property; and
 - (ii) the approximate size of the property; and
 - (iii) the purpose for which the property is, and is intended to be, used; and
 - (iv) the nature of the interest;
- (g) for each liability (other than department store and credit card accounts) of the relevant employee or related person—
- (i) the nature of the liability; and
 - (ii) the name of the creditor;
- (h) for each debenture or similar investment held by the relevant employee or related person—
- (i) the nature of the investment; and
 - (ii) the name of the corporation in which the investment is made; and
 - (iii) the nature of the business of the corporation;
- (i) for each savings or investment account of the relevant employee or related person held with a financial institution—
- (i) the nature of the account; and
 - (ii) the name of the institution;
- (j) for each gift, or all gifts totalling, more than \$500 in amount or value received by the relevant employee or related person—the name and address of the person who gave the gift or gifts to the relevant employee or related person;
- (k) for each sponsored hospitality benefit received by the relevant employee or related person—
- (i) the source of the contribution for the travel, accommodation or other benefit; and
 - (ii) the purpose of the benefit;
- (l) particulars sufficiently detailed to identify each other substantial source of income received by—

- (i) the relevant employee or related person; or
 - (ii) a proprietary company, or trust, in which the relevant employee or a related person holds an interest;
- (m) particulars sufficiently detailed to identify each other asset of the relevant employee or related person with a value of more than \$5 000, other than—
 - (i) household and personal effects; and
 - (ii) a motor vehicle used mainly for personal use; and
 - (iii) superannuation entitlements;
- (n) for each body or association or trade or professional organisation of which the relevant employee or related person is a member (other than a body or association of a political nature)—its name and address;
- (o) particulars sufficiently detailed to identify each other financial or non-financial interest of the relevant employee or related person—
 - (i) of which the relevant employee is aware; and
 - (ii) that raises, appears to raise, or could foreseeably raise, a conflict between the relevant employee's duty as a relevant employee and the holder of the interest.
- (2) Subsection (1)(j) does not apply to a gift from a person who—
 - (a) if the gift is received by the relevant employee—is a related person for, or someone else related by blood or marriage to, the relevant employee; or
 - (b) if the gift is received by the related person—is the relevant employee for whom the person is a related person, or someone else related by blood or marriage to the related person.

77 Time for relevant employee to tell about interests and correcting particulars—Act, s 1139(4) or (5)

Three months is the time within which a relevant employee must tell of an interest that—

- (a) must be recorded in the register of employee's interests or a register of interests for a related person for the employee; or
- (b) is recorded but the particulars of which are no longer correct.⁴²

78 Way for relevant employee to tell about interests and correct particulars—Act, s 1139(4) or (5)

A relevant employee may tell the person who, under the Act,⁴³ must keep the register by giving the keeper a statement of interests, or a notice of correct particulars, in the approved form.

Part 17 Superannuation

79 Local government entities

The entities mentioned in schedule 2 are local government entities for chapter 17⁴⁴ of the Act.

80 Persons eligible for membership of the scheme—Act, s 1181

- (1) The following persons are prescribed for section 1181(1)(f) of the Act—
 - (a) the spouse of a member;
 - (b) an entitled former spouse;
 - (c) an employee of—
 - (i) DDS Consulting; or

⁴² Section 60 (Chief executive's power when local government does not act or give satisfactory reasons) and section 66 (End of reference)

⁴³ See section 1139(1) and (2) of the Act for persons who must keep registers.

⁴⁴ Chapter 17 (Superannuation) of the Act

- (ii) the Local Government Managers Australia (QLD) Inc.;
- (d) a person who—
 - (i) is an employee of South East Queensland Water Corporation Limited ACN 088 729 766; and
 - (ii) was, immediately before 17 March 2000, an employee of the South East Queensland Water Board and a member of the scheme.
- (2) Subsection (3), definition *spouse*, applies despite the *Acts Interpretation Act 1954*, section 32DA(6).
- (3) In this section—

entitled former spouse means a person who is entitled, or conditionally entitled, under an agreement under the *Family Law Act 1975* (Cwlth) or a court order under that Act, to payment of an amount from the scheme.

scheme means the Local Government Superannuation Scheme.

South East Queensland Water Board means the South East Queensland Water Board that was established under the repealed *South East Queensland Water Board Act 1979*.

spouse does not include a de facto partner of the same gender.

81 Interest payable on outstanding contributions—Act, s 1188

For section 1188 of the Act, the rate of interest is 14%.

Part 17A Enclosures for restricted dogs

Division 1 Preliminary

81A Operation of pt 17A

This part prescribes, under section 1193ZC of the Act, requirements for the enclosure for a restricted dog.

81B Definition for pt 17A

In this part—

permitted place means a place for which a restricted dog permit for a restricted dog has been given.

Division 2 Requirements

81C Public access to front entrance of house

The enclosure must not be built or situated in a way that requires a member of the public seeking access to the front entrance of a dwelling house on the permitted place to go into the enclosed area.

81D Minimum enclosed area

The area enclosed must be at least 10 m².

81E Minimum height

The walls of the enclosure must be at least 1.8 m high above ground level.

81F Standard for enclosure materials

The enclosure must consist of firm and strong materials.

81G Enclosure walls

- (1) The exterior of the walls of the enclosure must be designed to prevent children from climbing into the enclosure.
- (2) The walls may include a perimeter fence for the permitted place or an exterior wall of a structure if it complies with the requirements for the enclosure under section 1193ZC of the Act and this division.

81H Gate requirements

- (1) The enclosure must include a gate (the *enclosure gate*).
- (2) The enclosure must not have a driveway gate or other vehicle entry gate (a *vehicle gate*).
- (3) The enclosure gate must—
 - (a) be childproof, self-closing and self-latching; and
 - (b) comply with the requirements for the enclosure under section 1193ZC of the Act and this division.
- (4) However, the enclosure may have another gate that is not self-closing and self-latching if it—
 - (a) is not a vehicle gate; and
 - (b) complies with section 81E; and
 - (c) is kept securely locked whenever it is not in immediate use.

81I Weatherproof sleeping area required

The enclosure must include a weatherproof sleeping area appropriate for the dog.

Examples of an appropriate weatherproof sleeping area—

- 1 A kennel.
- 2 An area of an appropriate size, covered by an appropriate verandah or other roof.

Division 2 Anti-competitive provisions of existing local laws and existing subordinate local laws

84 Definitions for div 2

In this division—

identification guidelines means the document called ‘National Competition Policy Guidelines to Assist Local Governments Identify Possible Anti-competitive Provisions in Existing Local Laws and Existing Local Law Policies’ issued by the department.⁴⁷

public interest test guidelines means the document called ‘National Competition Policy Guidelines for Conducting Public Interest Tests on *Possible* Anti-competitive Provisions in Local Laws and Local Law Policies’ issued by the department.⁴⁸

85 Anti-competitive provisions—Act, s 1219

- (1) For section 1219 of the Act, definition *anti-competitive provision*, this section prescribes provisions of an existing local law or existing subordinate local law that are treated as creating barriers to entry to a market or barriers to competition within a market.
- (2) For a model local law made by a local government, the provision is a provision the local government considers, under section 5.2.2 of the identification guidelines, as being within the criteria applied under the section.

47 Copies of the National Competition Policy Guidelines to Assist Local Governments Identify Possible Anti-competitive Provisions in Existing Local Laws and Existing Local Law Policies may be inspected at the State office of the Department of Local Government, Planning, Sport and Recreation.

48 Copies of the National Competition Policy Guidelines for Conducting Public Interest Tests on *Possible* Anti-competitive Provisions in Local Laws and Local Law Policies may be inspected at the State office of the Department of Local Government, Planning, Sport and Recreation.

- (3) For a local law (other than a model local law) or a subordinate local law made by a local government, the provision is a provision that—
- (a) is not excluded by the local government under section 5.1.1 or 5.1.2 of the identification guidelines; and
 - (b) is identified by the local government, under section 5.1.3 of the identification guidelines, as being within the criteria applied under the section.

86 Identification of possible anti-competitive provisions—Act, s 1231

To the extent it is reasonably practicable, for identifying possible anti-competitive provisions of existing local laws or existing subordinate local laws, the procedures a local government follows must be in accordance with the identification guidelines.

87 Requirements for public interest tests and test reports—Act, s 1231

To the extent it is reasonably practicable, public interest tests and public interest test reports must comply with the public interest test guidelines.

88 Giving of information to Minister—Act, s 1231

To the extent it is reasonably practicable, for identifying possible anti-competitive provisions of existing local laws or existing subordinate local laws, a local government must give to the Minister information in accordance with the identification guidelines.

Schedule 1 Components of own source revenue

section 23

- 1 Revenue from general rates, differential general rates and the minimum general rate levy
- 2 Ex gratia receipts
- 3 Fines
- 4 General charges
- 5 Interest

Schedule 2 Local Government entities

section 79

- 1 Badu Island Council
- 2 Burdekin Cultural Complex Board Inc.
- 3 Burdekin River Improvement Trust
- 4 Central Queensland Local Government Association Inc.
- 5 Central Western Queensland Remote Area Planning and Development Board
- 6 Coconut Island Council
- 7 Condamine River Improvement Trust
- 8 Dauan Island Council
- 9 Don River Improvement Trust
- 10 Empire Theatres Pty Ltd ACN 086 482 288
- 11 Gold Coast Arts Centre Pty Ltd ACN 850 607 874 66
- 12 Gulf Local Authorities Development Association Inc.
- 13 Hammond Island Council
- 14 Houghton River Improvement Trust
- 15 Institute of Public Works Engineering Australia Queensland Division Inc.
- 16 Kubin Community Council
- 17 Local Buy Pty Ltd ACN 090 446 487
- 18 Local Government Association of Queensland Inc.
- 19 Mackay, Hinterland and Whitsunday Combined Local Authorities Association Inc.
- 20 North Queensland Afforestation Association Inc.
- 21 Pioneer River Improvement Trust
- 22 Queensland Local Government Industry Training Committee
- 23 Queensland Water Directorate

Schedule 2 (continued)

- 24 Regional Galleries Association of Queensland Inc.
- 25 St. Pauls Island Council
- 26 Stanthorpe Art Gallery Society Incorporated
- 27 Stanthorpe Dingo Fence Maintenance Association
- 28 Sunshine Coast Events Centre Pty Ltd ACN 107 604 991
- 29 Townsville Thuringowa Water Supply Board
- 30 Warraber Island Council
- 31 Wide Bay Water Corporation

Schedule 3 Dictionary

section 2

Anti-Discrimination Tribunal means the Anti-Discrimination Tribunal established under the *Anti-Discrimination Act 1991*.

EEO management plan means an equal employment opportunity management plan required by section 49.

employee means an individual appointed or engaged—

- (a) under a contract of service (including on a full-time, part-time, permanent, casual or temporary basis); or
- (b) under a statutory appointment.

employment matters means—

- (a) recruitment procedure, and selection criteria, for appointment or engagement of people as employees; or
- (b) promotion and transfer of employees; or
- (c) training and staff development for employees; or
- (d) terms and conditions of service and separation of employees; or
- (e) any other matter about the employment of employees.

how-to-vote card see section 12A.

joint arrangement see section 6.

permitted place, for part 17A, see section 81B.

separation includes voluntary and involuntary separation of a person from a local government.

target group means—

- (a) people of the Aboriginal race of Australia or people who are descendants of the indigenous inhabitants of the Torres Strait Islands; or
- (b) people who have migrated to Australia and whose first language is a language other than English, and the children of those people; or

Schedule 3 (continued)

- (c) people with a physical, sensory, intellectual or psychiatric disability (whether the disability presently exists or previously existed but no longer exists); or
- (d) women.

trade union means—

- (a) an employee organisation under the *Industrial Relations Act 1999*; or
- (b) an organisation of employees registered under the *Industrial Relations Act 1988* (Cwlth).

unlawful discrimination means discrimination that is unlawful under the *Anti-Discrimination Act 1991*.

woman means a person of the female sex irrespective of age.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2005. Future amendments of the Local Government Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	26 March 1994	13 April 1994
2	1995 SL No. 104	21 April 1995	1 August 1995
2A	1996 SL No. 160	28 June 1996	8 October 1996
2B	1996 SL No. 425	20 December 1996	12 March 1997
2C	1997 SL No. 202	4 July 1997	5 August 1997
2D	1997 SL No. 406	28 November 1997	6 January 1998
2E	1998 SL No. 96	24 April 1998	5 May 1998
3	1998 SL No. 96	24 April 1998	1 July 1998
3A	1998 SL No. 296	13 November 1998	20 November 1998
3B rv	1999 SL No. 304	1 January 2000	18 January 2000
3C	2000 SL No. 42	17 March 2000	24 March 2000
3D	2001 SL No. 115	20 July 2001	3 August 2001
4	2001 SL No. 143	17 August 2001	28 September 2001
4A	2002 SL No. 6	1 June 2002	1 June 2002

Reprint No.	Amendments included	Effective	Notes
4B	2002 SL No. 241	13 September 2002	
4C	2003 SL No. 46	21 March 2003	
4D	2003 SL No. 54	1 April 2003	
4E	2003 SL No. 118	20 June 2003	
4F	2003 SL No. 186	15 August 2003	R4F withdrawn, see R5
5	—	15 August 2003	
5A	2004 SL No. 20	19 March 2004	
5B	2004 SL No. 319	1 January 2005	
5C	2005 SL No. 14	18 February 2005	
5D	2005 SL No. 54	1 April 2005	
5E	—	1 July 2005	prov exp 30 June 2005

5 Tables in earlier reprints

Name of table	Reprint No.
Renumbered provisions	3

6 List of legislation

Local Government Regulation 1994 SL No. 101

made by the Governor in Council on 24 March 1994

notfd gaz 25 March 1994 pp 1228–32

ss 1–2 commenced on date of notification

s 36 commenced 1 July 1994 (see s 2(1))

remaining provisions commenced 26 March 1994 (see s 2(2))

exp 31 August 2005 (see SIA s 56A(1)(b) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Local Government Amendment Regulation (No. 1) 1995 SL No. 104

notfd gaz 21 April 1995 pp 1718–21

commenced on date of notification

Local Government Amendment Regulation (No. 2) 1995 SL No. 340

notfd gaz 8 December 1995 pp 1449–53

commenced on date of notification

Local Government Amendment Regulation (No. 3) 1995 SL No. 398

notfd gaz 22 December 1995 pp 1672–6

commenced on date of notification

Local Government Amendment Regulation (No. 1) 1996 SL No. 159

notfd gaz 28 June 1996 pp 1164–70

commenced on date of notification

Local Government Amendment Regulation (No. 2) 1996 SL No. 160

notfd gaz 28 June 1996 pp 1164–70
commenced on date of notification

Local Government Amendment Regulation (No. 3) 1996 SL No. 380

notfd gaz 13 December 1996 pp 1470–2
commenced on date of notification

Local Government Amendment Regulation (No. 4) 1996 SL No. 425

notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Local Government Amendment Regulation (No. 1) 1997 SL No. 158

notfd gaz 20 June 1997 pp 879–82
commenced on date of notification

Local Government Amendment Regulation (No. 2) 1997 SL No. 202

notfd gaz 4 July 1997 pp 1143–4
commenced on date of notification

Local Government Amendment Regulation (No. 3) 1997 SL No. 354

notfd gaz 24 October 1997 pp 786–8
commenced on date of notification

Local Government Amendment Regulation (No. 4) 1997 SL No. 406

notfd gaz 28 November 1997 pp 1408–10
commenced on date of notification

Local Government Amendment Regulation (No. 1) 1998 SL No. 87

notfd gaz 17 April 1998 pp 1616–18
commenced on date of notification

Local Government Amendment Regulation (No. 2) 1998 SL No. 96

notfd gaz 24 April 1998 pp 1730–2
commenced on date of notification

Local Government Amendment Regulation (No. 3) 1998 SL No. 296

notfd gaz 13 November 1998 pp 982–3
commenced on date of notification

Local Government Amendment Regulation (No. 1) 1999 SL No. 254

notfd gaz 5 November 1999 pp 918–21
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2000 (see s 2)

Local Government Amendment Regulation (No. 2) 1999 SL No. 304

notfd gaz 3 December 1999 pp 1348–50
commenced on date of notification

Local Government Amendment Regulation (No. 1) 2000 SL No. 41

notfd gaz 17 March 2000 pp 1052–3
commenced on date of notification

**Local Government Legislation Amendment Regulation (No. 1) 2000 SL No. 42
pts 1, 4**

notfd gaz 17 March 2000 pp 1052–3

commenced on date of notification

**Local Government and Other Legislation Amendment Regulation (No. 1) 2001
SL No. 115 pts 1, 4**

notfd gaz 20 July 2001 pp 1138–40

commenced on date of notification

Local Government Amendment Regulation (No. 1) 2001 SL No. 143

notfd gaz 17 August 2001 pp 1455–6

commenced on date of notification

Local Government Amendment Regulation (No. 1) 2002 SL No. 6

notfd gaz 1 February 2002 pp 338–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 June 2002 (see s 2)

**Local Government Legislation Amendment and Repeal Regulation (No. 1) 2002
SL No. 241 pts 1, 3**

notfd gaz 13 September 2002 pp 131–2

commenced on date of notification

Local Government Amendment Regulation (No. 1) 2003 SL No. 46

notfd gaz 21 March 2003 pp 1058–59

commenced on date of notification

**Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003 SL No. 54
ss 1–3 sch**

notfd gaz 28 March 2003 pp 1125–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2003 (see s 2)

Local Government Amendment Regulation (No. 2) 2003 SL No. 118

notfd gaz 20 June 2003 pp 633–6

commenced on date of notification

Local Government Amendment Regulation (No. 3) 2003 SL No. 186

notfd gaz 15 August 2003 pp 1312–3

commenced on date of notification

Local Government Amendment Regulation (No. 1) 2004 SL No. 20

notfd gaz 19 March 2004 pp 1073–4

commenced on date of notification

**Local Government (Community Government Areas) Regulation 2004 SL No. 319
ss 1–2, 23 sch 1**

notfd gaz 17 December 2004 pp 1277–85

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2005 (see s 2)

Local Government Amendment Regulation (No. 1) 2005 SL No. 14

notfd gaz 18 February 2005 pp 596–7

commenced on date of notification

Local Government Amendment Regulation (No. 2) 2005 SL No. 54

notfd gaz 1 April 2005 pp 1066–69
commenced on date of notification

7 List of annotations

This reprint has been renumbered—see table of renumbered provisions in endnote 8.

PART 1—PRELIMINARY**Division 1—Citation of regulation**

div hdg ins 2002 SL No. 241 s 5

Division 2—Interpretation

div hdg ins 2002 SL No. 241 s 6

Definitions

s 2 prev s 2 om R2 (see RA s 37)
pres s 2 sub 1995 SL No. 398 s 3
amd 1997 SL No. 202 s 3
sub 2002 SL No. 241 s 6

Prescribed pensions for meaning of “pensioner”

s 3 sub 2002 SL No. 241 s 6

State interest

s 3A ins 2000 SL No. 41 s 3
sub 2002 SL No. 241 s 6

Department’s address

s 4 amd 1995 SL No. 398 s 4
sub 2002 SL No. 241 s 6

PART 3—INTERACTION WITH THE STATE**Definitions for pt 3**

prov hdg sub 1997 SL No. 202 s 4(1)
s 6 def “**water catchment principle**” ins 1997 SL No. 202 s 4(2)

Issues identified

s 7 ins 1997 SL No. 202 s 5

Prescribed issues—Act, s 84

s 8 sub 1997 SL No. 202 s 5

Prescribed issues—Act, s 107

s 9 sub 1997 SL No. 202 s 5

Overruling particular local laws—Act, s 163

s 12A prev s 12A ins 1995 SL No. 340 s 3
om 1997 SL No. 202 s 6
pres s 12A ins 2000 SL No. 41 s 4

Definitions

s 13 orig s 13 om 1997 SL No. 202 s 6

Prescribed person—Act, ss 226 and 252

s 13A prev s 13A ins 1996 SL No. 160 s 3
 exp 28 July 1996 (see s 13A(6))
 pres s 13A ins 2001 SL No. 115 s 7

PART 4—LOCAL GOVERNMENT COUNCILLORS**Meaning of “related” to a councillor—Act, s 247(1)(b)**

s 14 amd 1998 SL No. 87 s 3; 2003 SL No. 54 s 3 sch

PART 5—LOCAL GOVERNMENT ELECTIONS**Date of triennial elections in 1997—Act, s 269(3)**

s 20 sub 1996 SL No. 380 s 3

PART 6—GENERAL OPERATION OF LOCAL GOVERNMENTS**Declaration of exempt enterprises—Act, s 495**

s 22 amd 1997 SL No. 354 s 3

Declaration of exempt enterprises for a community government—Act, s 495

s 22A ins 2004 SL No. 319 s 23 sch 1
 exp 30 June 2005 (see s 22A(2))

Limits of enterprise powers—Act, s 500

s 23 amd 1997 SL No. 202 s 7

PART 8—NATIONAL COMPETITION REFORM OF SIGNIFICANT BUSINESS ACTIVITIES

pt hdg ins 1996 SL No. 425 s 3

Prescribed requirement for public benefit assessments and public benefit assessment reports—Act, s 559

s 25 ins 1996 SL No. 425 s 3

PART 9—CONDUCT OF COMPETITIVE BUSINESS ACTIVITIES

pt hdg ins 1997 SL No. 158 s 3
 sub 1997 SL No. 406 s 3

Activities of local governments that are not business activities—Act, s 762

s 26 ins 1997 SL No. 158 s 3
 sub 1997 SL No. 406 s 3; 1998 SL No. 96 s 3
 amd 2000 SL No. 42 s 14

PART 10—REFORM OF CERTAIN WATER AND SEWERAGE SERVICES

pt hdg ins 1997 SL No. 406 s 3

Requirements for two-part tariff assessments and reports—Act, s 777

s 27 ins 1997 SL No. 158 s 3
 sub 1997 SL No. 406 s 3

PART 11—COMPLAINTS ABOUT COMPETITIVE NEUTRALITY

pt hdg ins 1998 SL No. 96 s 4

Maximum fee payable for making a complaint—Act, s 794

s 28 ins 1998 SL No. 96 s 4

PART 12—LOCAL LAWS AND SUBORDINATE LOCAL LAWS

pt hdg amd 1999 SL No. 254 s 3 sch

Division 1—Anti-competitive provisions of proposed local laws and proposed subordinate local laws

div hdg ins 1997 SL No. 406 s 4
amd 1999 SL No. 254 s 3 sch

Definitions for div 1

s 29 prev s 29 ins 1997 SL No. 158 s 3
om 1997 SL No. 406 s 3
pres 29 ins 1997 SL No. 406 s 4

Anti-competitive provisions—Act, s 885

s 30 prev s 30 ins 1997 SL No. 158 s 3
om 1997 SL No. 406 s 3
pres s 30 ins 1997 SL No. 406 s 4
amd 1999 SL No. 254 s 3 sch

Identification of possible anti-competitive provisions—Act, s 893

s 31 ins 1997 SL No. 406 s 4
amd 1999 SL No. 254 s 3 sch

Requirements for public interest tests and test reports—Act, s 893

s 32 ins 1997 SL No. 406 s 4

Giving of information to Minister—Act, s 893

s 33 ins 1997 SL No. 406 s 4
amd 1999 SL No. 254 s 3 sch

Division 2—Public access to subordinate local laws

div hdg ins 1997 SL No. 406 s 4
amd 1999 SL No. 254 s 3 sch

Subordinate local law register—Act, s 895(2)

prov hdg amd 1999 SL No. 254 s 3 sch
s 34 amd 1999 SL No. 254 s 3 sch

Division 3—Drafting standards for proposed local laws and subordinate local laws

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