

Queensland



*Local Government Act 1993*

**LOCAL GOVERNMENT  
(ALLORA, GLENGALLAN,  
ROSENTHAL AND  
WARWICK) REGULATION  
1994**

**Reprinted as in force on 7 July 1999  
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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 earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

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

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# **LOCAL GOVERNMENT (ALLORA, GLENGALLAN, ROSENTHAL AND WARWICK) REGULATION 1994**

[as amended by all amendments that commenced on or before 7 July 1999]

## **PART 1—PRELIMINARY**

### **Short title**

1. This regulation may be cited as the *Local Government (Allora, Glengallan, Rosenthal and Warwick) Regulation 1994*.

### **Commencement**

2.(1) The following provisions commence on the notification of this regulation in the Gazette—

- Part 1 (Preliminary)
- Part 3 (Election of first Council)
- Part 4 (General provisions to assist implementation of reviewable local government matters)
  - Division 3 (Financial issues)
    - section 25 (Budget for 1994–95 financial year)
- Part 5 (Staffing issues connected with implementation of reviewable local government matters).

(2) The remaining provisions commence on the changeover day.

### **Purpose and operation of this regulation**

**3.(1)** The purpose of this regulation is—

- (a) to implement the reviewable local government matters recommended by the Commissioner in the report; and
- (b) to assist the implementation of the reviewable local government matters.

**(2)** Part 2 implements the reviewable local government matters and involves—

- (a) the abolition of the areas of the City of Warwick and the Shires of Allora, Glengallan and Rosenthal; and
- (b) the creation of a new area named the Shire of Warwick.

**(3)** Part 2 does not commence until an election has been held for the new area and the election results have been declared, but, in any event, does not commence before 1 July 1994.

**(4)** Part 3 deals with the first election for the new local government.

**(5)** Part 4 contains provisions to assist in the implementation of the reviewable local government matters, including provisions about—

- (a) local laws and other statutory instruments; and
- (b) financial issues, including ensuring that the new local government is able to adopt a single budget for the whole of the new area; and
- (c) planning schemes and related issues; and
- (d) abolition of the Saleyards Board and the taking over of its responsibilities by the new local government.

**(6)** Part 5 deals with staffing issues connected with the implementation of the reviewable local government matters.

### **Definitions**

**4.** In this regulation—

“**area**” includes a proposed area.

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**“changeover day”** means the later of the following—

- (a) the day immediately after declaration day;
- (b) 1 July 1994.

**“Committee”** means the Joint Transitional Committee.

**“continuing local law”** means a local law mentioned in section 19 (Local laws for the new area).

**“continuing planning scheme”** means a planning scheme mentioned in section 26 (Continuing planning schemes).

**“declaration day”** means the day the last declaration notice for the fresh elections for the new area is published in a newspaper.

**“declaration notice”** means a notice under section 316<sup>1</sup> (Declaration of poll) of the Act.

**“dismissal”** of an employee includes ending the employee’s employment.

**“division”** includes a proposed division.

**“employee”** of a merging local government means a person who is employed by the merging local government in any capacity immediately before the changeover day.

**“interim chief executive officer”** means the person appointed under section 45 (Appointment of interim chief executive officer).

**“interim development control provisions”** for Allora Shire Council means the interim development control provisions approved under the Planning Act for the Council’s area and in force immediately before the changeover day.<sup>2</sup>

**“Joint Transitional Committee”** means the Joint Transitional Committee established under section 51 (Joint Transitional Committee).

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<sup>1</sup> Section 316 now 371 (Declaration of poll) of the Act

<sup>2</sup> See *Local Government (Interim Development Control—Allora Shire Council) Order 1991*.

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**“merging area”** means—

- (a) before the changeover day—the area of the City of Warwick or Shire of Allora, Glengallan or Rosenthal; or
- (b) on and after the changeover day—the area that previously formed the City of Warwick or Shire of Allora, Glengallan or Rosenthal.

**“merging local government”** means—

- (a) the Council of the City of Warwick; or
- (b) the Council of the Shire of Allora; or
- (c) the Council of the Shire of Glengallan; or
- (d) the Council of the Shire of Rosenthal.

**“new area”** means the area of the Shire of Warwick as created under section 6 (Creation of new area—Shire of Warwick).

**“new local government”** means the Council of the Shire of Warwick mentioned in section 7 (Composition of Warwick Shire Council).

**“officer”** of a merging local government means an employee of the merging local government other than—

- (a) an employee who has been engaged on a temporary basis for less than 1 year; or
- (b) an employee engaged on a casual basis; or
- (c) a person engaged on a contract basis (unless the person has been appointed to a position), including, for example, a contract to supervise or carry out a particular capital works project, a research project or another particular consultancy, project or task.

**“Planning Act”** means the *Local Government (Planning and Environment) Act 1990*.

**“report”** means the report of the Commissioner dated 5 May 1994 and titled ‘Review of local government boundaries and structures—Recommended merger of Warwick City, Glengallan, Rosenthal and Allora Shires into a new Warwick Shire’.

**“salary”** includes wage.

“**Saleyards Board**” means the joint local government known as the Warwick and District Municipal Saleyards Board.

## **PART 2—IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS**

### **Abolition of existing areas**

5. The areas of the City of Warwick and Shires of Allora, Glengallan and Rosenthal are abolished.<sup>3</sup>

### **Creation of new area—Shire of Warwick**

6.(1) The area shown delineated on map no. LGB 127, edition 1, sheets 1 and 2, is created as a local government area.<sup>4</sup>

(2) The area is a shire.

(3) The name of the shire is the Shire of Warwick.

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<sup>3</sup> The boundaries of these areas are shown on plans bearing catalogue nos. SC 49, 290, 313 and 435 respectively. Copies of these plans may be inspected at the office of the Department of Communication and Information, Local Government and Planning at 111 George Street, Brisbane.

<sup>4</sup> The map may be inspected at the office of the Department of Communication and Information, Local Government and Planning at 111 George Street, Brisbane. A copy of the map may also be inspected at the following places—

(a) before the changeover day—

- (i) the public office of the Warwick City Council at 64 Fitzroy Street, Warwick;
- (ii) the public office of the Allora Shire Council at 78 Herbert Street, Allora;
- (iii) the public office of the Glengallan Shire Council at Yangan Road, via Warwick;
- (iv) the public office of the Rosenthal Shire Council at Willi Street, Rosenthal Heights, Warwick;

(b) after the changeover day—at the public office of the Warwick Shire Council.

### **Composition of Warwick Shire Council**

7. The local government for the Shire of Warwick consists of a mayor and 12 other councillors.

### **New area to have 6 divisions**

8.(1) The new area is divided into 6 divisions in accordance with map no. LGB 127, edition 1, sheets 1 and 2.

(2) The assignment of councillors to the divisions is as follows—

- Division 1—1 councillor
- Division 2—2 councillors
- Division 3—2 councillors
- Division 4—2 councillors
- Division 5—1 councillor
- Division 6—4 councillors.

## **PART 3—ELECTION OF FIRST COUNCIL**

### **Direction for fresh elections for proposed new area**

9.(1) Fresh elections are to be held for the local government for the proposed new area.

(2) The persons elected as the mayor and other councillors at the elections are the mayor and other councillors of the new local government.

### **Timetable for fresh elections**

10.(1) For holding the fresh elections—

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- (a) the notice under section 248<sup>5</sup> (Calling for nominations) of the Act must be published no later than 27 May 1994; and
  - (b) the voters roll for the elections must be compiled to 1 June 1994; and
  - (c) the nomination day is 3 June 1994.
- (2) The fresh elections must be held on 25 June 1994.

### **Appointment and role of returning officer**

**11.(1)** The Minister may appoint a person as the returning officer for the fresh elections.

(2) The Minister may appoint a person only if the Minister is satisfied the person has the experience necessary to conduct the fresh elections.

(3) As soon as practicable after appointing a person as returning officer, the Minister must, by Gazette notice, advise the appointment.

(4) The returning officer must conduct the fresh elections.

### **Minister may give directions about fresh elections**

**12.** The Minister may give written directions to the returning officer about the fresh elections, including, for example, matters about which a local government may instruct a returning officer.

*Example—*

An instruction about the printing of the ballot paper for the mayor and the ballot papers for the councillors for each division.

### **Qualification for membership**

**13.** For the purpose of section 169(1)<sup>6</sup> (General qualifications for membership) of the Act, a person who lives in a merging area is taken to live in the proposed new area.

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<sup>5</sup> Section 248 now 301 (Calling for nominations) of the Act

<sup>6</sup> Section 169 now 220 (General qualifications for membership) of the Act

### **Gazettal of changeover day**

**14.** As soon as practicable after changeover day, the Minister must, by Gazette notice, advise the changeover day.

### **Cost of fresh elections**

**15.(1)** The Council of the City of Warwick must pay for the conduct of the fresh elections.

**(2)** An amount required for the conduct of the elections may be spent—

- (a)** without a resolution of the Council of the City of Warwick; and
- (b)** whether or not the disbursement is provided for in the budget of the Council of the City of Warwick.

**(3)** An amount may be paid only if the returning officer has given an account to the chief executive officer of the Council of the City of Warwick.

## **PART 4—GENERAL PROVISIONS TO ASSIST IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS**

### *Division 1—Role of new local government*

#### **New local government successor of merging local governments**

**16.(1)** The new local government is the successor of the merging local governments.

**(2)** The other provisions of this Part do not limit subsection (1).

#### **New local government to take over existing functions and powers**

**17.(1)** This section applies if, under an Act—

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- (a) a local government may perform a function or exercise a power; and
- (b) a merging local government started to perform the function or exercise the power before the changeover day but did not finish performing the function or exercising the power.

**(2)** The new local government may continue to perform the function or exercise the power.

*Example 1—*

If, under the Planning Act, a merging local government started the procedures to prepare a new planning scheme, the new local government may finish the procedures.

*Example 2—*

If a person made an application to a merging local government under an Act, the new local government may deal with it.

### **Delegations by merging local governments**

**18.** If a merging local government had, before the changeover day, delegated the exercise of a power to a person, the new local government is taken to have delegated the power to the person.

### ***Division 2—Local laws and other instruments***

#### **Local laws for the new area**

**19.(1)** This section applies to a local law mentioned in the Schedule as in force immediately before the changeover day.

**(2)** The local law continues in force as a local law of the new local government until—

- (a) it is repealed by the new local government; or
- (b) it is applied to the new area under section 20(3) (Limited application of continuing local laws); or
- (c) if paragraphs (a) and (b) do not apply—1 July 1999.

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(3) The new local government may, by local law, amend a continuing local law while it continues in force under subsection (2).

(4) A continuing local law must be read with the changes necessary to make it consistent with, and adapt its operation to, this regulation.

### **Limited application of continuing local laws**

**20.(1)** A continuing local law continues in force only for the part of the new area to which it applied immediately before the changeover day.

(2) However, Chapter 18, Part 1, of the local laws of the Shire of Allora applies to the new local government.

(3) The new local government may, by local law, apply a continuing local law to the whole of the new area, with or without changes.

### **Existing instruments**

**21.(1)** This section applies to an instrument (other than a local law or an instrument made under the Planning Act) that—

- (a) was made by a merging local government under an Act or a local law before the changeover day; and
- (b) is in force immediately before the changeover day.

(2) The instrument continues in force until it would have otherwise ended under the Act or the local law.

(3) However, subsection (2) does not stop the new local government from amending or repealing the instrument under the Act or a local law (whether a continuing local law or a local law made by the new local government).

(4) If the instrument permitted a person to perform an activity, it is taken to permit the activity for the part of the new area to which it applied immediately before the changeover day and not the whole of the new area.

(5) For this section, an instrument made under, or for the purposes of, a local government's resolution made under an Act or a local law is taken to be an instrument made by the local government under the Act or law.

### ***Division 3—Financial issues***

#### **New local government may levy rates made by merging local government**

**22.(1)** This section applies if, immediately before the changeover day, a merging local government—

- (a) had made a rate for land in a merging area; but
- (b) had not given a notice levying the rate on a person or otherwise demanded payment of the rate.

**(2)** The new local government may give the person a notice levying the rate, or may otherwise demand payment of the rate, in the same way the merging local government could have given the notice or demanded payment.

**(3)** The new local government is taken to have made and levied the rate.

#### **Recovery of unpaid rates**

**23.(1)** This section applies if—

- (a) before the changeover day, a merging local government had made and levied a rate on a person; and
- (b) immediately before the changeover day, the rate had not been paid.

**(2)** If the time for payment of the rate had not ended before the changeover day—

- (a) the time continues to run as if the merging local government had not been abolished; and
- (b) the amount of the rate is payable by the person to the new local government.

**(3)** If the time for payment of the rate had ended before the changeover day, the rate becomes payable by the person to the new local government.

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(4) The new local government—

- (a) is taken to have made and levied the rate; and
- (b) may receive payment of, or recover, the amount of the rate.

### **Application of earlier remuneration resolutions**

**24.(1)** In this section—

**“remuneration resolution”** means a resolution of the type mentioned in section 185(1) (Remuneration for service on local government and advisory committees) of the Act.

(2) The remuneration resolution of the Council of the City of Warwick in force immediately before the changeover day continues in force as a resolution of the new local government, until the earlier of the following—

- (a) 6 months after changeover day; or
- (b) the new local government passes a remuneration resolution.

(3) Subsection (2) has effect even though the remuneration resolution may not comply with section 185(2) to (4) of the Act.

### **Budget for 1994–95 financial year**

**25.** Despite section 432 (Adoption of budget) of the Act, a merging local government must not adopt a budget.

## *Division 4—Planning schemes and related issues*

### **Continuing planning schemes**

**26.(1)** This section applies to a planning scheme of a merging local government in force immediately before the changeover day.

(2) The planning scheme continues in force as a planning scheme of the new local government until it is replaced (in whole or part) under the Planning Act.

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(3) The new local government may, under the Planning Act, amend the continuing planning scheme while it continues in force under subsection (2).

(4) An instrument in force under the continuing planning scheme, immediately before the changeover day, continues in force until the earlier of the following—

- (a) the instrument expires or is repealed under the continuing planning scheme;
- (b) the scheme is replaced in whole or relevant part.

*Examples of instruments that may continue under this section—*

Applications, approvals and consents.

(5) For this section, an instrument made under, or for the purposes of, a local government's resolution made under a planning scheme is taken to be an instrument under the planning scheme.

### **Interim development control provisions—Allora Shire Council**

**27.(1)** Allora Shire Council's interim development control provisions continue in force for the part of the new area to which they applied immediately before the changeover day until they are replaced under the Planning Act.

(2) An instrument in force under the interim development control provisions, immediately before the changeover day, continues in force until the earlier of the following—

- (a) the instrument expires or is repealed under the provisions;
- (b) the provisions are replaced.

*Examples of instruments that may continue under this section—*

Applications and consents.

### **New local government responsible for continuing planning schemes**

**28.** The new local government must implement, administer and enforce, and is bound by, each continuing planning scheme and Allora Shire Council's interim development control provisions.

### ***Division 5—General***

#### **Vesting of assets and liabilities**

**29.** All assets and liabilities of each merging local government become assets and liabilities of the new local government.

#### **Documents of merging local governments**

**30.** The documents of each merging local government become the documents of the new local government.

#### **References in documents to merging local government**

**31.** In all documents (including, for example, a contract to which a merging local government was a party), a reference to a merging local government is a reference to the new local government.

#### **Pending legal proceedings by or against merging local government**

**32.** A legal proceeding by or against a merging local government that is not finished before the changeover day may be continued and finished by or against the new local government.

#### **Record of vesting of property of merging local governments**

**33.** On the written request of the new local government's chief executive officer, a person responsible for keeping a register about dealings with property must make all endorsements necessary to record the vesting of property in the new local government under section 29 (Vesting of assets and liabilities).

#### **Valuation of lands**

**34.(1)** In this section—

**“valuation”** of land means the unimproved value of the land under the *Valuation of Land Act 1944*.

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(2) The valuation of land in a merging area immediately before the changeover day continues to be the valuation of the land until a further valuation applies to the land.

(3) Subsection (2) applies subject to an objection or appeal under the *Valuation of Land Act 1944* about the valuation, but the objection or appeal may not be based on the fact that the land is no longer in the same area as it was at the time of the valuation.

***Division 6—Abolition of Warwick and District Municipal Saleyards Board***

**Definitions**

35. In this Division—

**“existing authority”** means a licence, permission, permit or other authority—

- (a) given by the Saleyards Board or the superintendent under the Saleyards Board local law before changeover day; and
- (b) in force immediately before changeover day.

**“existing resolution”** means a decision or resolution—

- (a) made by the Saleyards Board under the Saleyards Board local law (other than under Chapter 2 (Business and proceedings) of the Saleyards Board local law) before changeover day; and
- (b) in force immediately before changeover day.

**“Saleyards Board local law”** means the By-laws of the Warwick and District Municipal Saleyards Board 1962.

**Abolition of Saleyards Board**

36.(1) The Saleyards Board is abolished.

(2) The order in council constituting the Saleyards Board, published in the Gazette on 23 September 1961 at page 258, is repealed.

### **Vesting of Saleyards Board's assets and liabilities**

**37.** All assets and liabilities of the Saleyards Board become the assets and liabilities of the new local government.

### **Documents of Saleyards Board**

**38.** The documents of the Saleyards Board become the documents of the new local government.

### **References in documents to Saleyards Board**

**39.** In all documents (including, for example, a contract to which the Saleyards Board was a party), a reference to the Saleyards Board is a reference to the new local government.

### **Pending legal proceedings by or against Saleyards Board**

**40.** A legal proceeding by or against the Saleyards Board that is not finished before the changeover day may be continued and finished by or against the new local government.

### **Record of vesting of Saleyards Board's property**

**41.** On the written request of the new local government's chief executive officer, a person responsible for keeping a register about dealings with property must make all endorsements necessary to record the vesting of property in the new local government under section 37 (Vesting of Saleyards Board's assets and liabilities).

### **Status of Saleyards Board local law**

**42.(1)** The Saleyards Board local law is taken to be a local law of the new local government.

**(2)** In the Saleyards Board local law, a reference to—

- (a) the Saleyards Board is a reference to the new local government;
- and

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- (b) the clerk is a reference to the chief executive officer of the new local government; and
- (c) the superintendent is, unless the new local government appoints another person to be the superintendent, a reference to the person who immediately before the commencement of this section held the appointment of superintendent under the Saleyards Board local law.

### **Existing resolution**

**43.(1)** An existing resolution continues in force until it would have otherwise ended under the Saleyards Board local law.

**(2)** However, subsection (1) does not stop the new local government from amending or repealing the existing resolution under the Saleyards Board local law.

### **Existing authority**

**44.(1)** An existing authority continues in force until it would have otherwise ended under the Saleyards Board local law.

**(2)** However, subsection (1) does not stop the new local government or the superintendent from amending or repealing the existing authority under the Saleyards Board local law.

## **PART 5—STAFFING ISSUES CONNECTED WITH IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS**

### *Division 1—Interim chief executive officer*

#### **Appointment of interim chief executive officer**

**45.(1)** The person who is the chief executive officer of the Council of the City of Warwick immediately before the commencement of this section is the interim chief executive officer for the proposed new area.

**(2)** The Minister may, by Gazette notice, appoint a person to be the interim chief executive officer for the proposed new area if—

- (a) no person is the chief executive officer of the Council of the City of Warwick immediately before the commencement of this section; or
- (b) the chief executive officer of the Council of the City of Warwick becomes the interim chief executive officer but cannot continue to perform the duties of the interim chief executive officer.

**(3)** An appointment under this section continues until the new local government revokes it.

#### **Role of interim chief executive officer before the changeover day**

**46.(1)** Before the changeover day, the interim chief executive officer is responsible for making the administrative arrangements necessary for the new local government.

**(2)** Without limiting subsection (1), the interim chief executive officer may establish departments for the new local government and appoint interim departmental heads of the departments.

**(3)** However, before establishing a department or appointing an interim departmental head, the interim chief executive officer must consult with the Committee.

(4) Subsection (3) does not apply if the Committee has directed the interim chief executive officer not to consult with the Committee.

(5) The appointment of an interim departmental head continues until the new local government revokes it.

### **Role of the interim chief executive officer after the changeover day**

47. On and after the changeover day, the interim chief executive officer acts as the chief executive officer of the new local government until the officer's appointment is revoked under section 45 (Appointment of interim chief executive officer).

### **Contracts made by interim chief executive officer**

48.(1) Chapter 6 (General operation of local governments), Part 3 (Contracts and tendering), Division 2 (Purchasing) of the Act applies to contracts made by the interim chief executive officer for an administrative arrangement.

(2) However, the interim chief executive officer must not make a contract for the carrying out of work, or the supply of goods or services, involving a cost of—

- (a) \$20 000 or less—other than in compliance with guidelines (if any) given to the interim chief executive officer by the Committee; or
- (b) more than \$20 000—without the Committee's approval.

(3) If the interim chief executive officer makes a contract, the interim chief executive officer is taken to have made the contract for each merging local government.

### **Organisational structure**

49. As soon as practicable after the changeover day, the new local government must—

- (a) adopt the structure established by the interim chief executive officer and establish staffing arrangements for the structure; or

- (b) establish another structure and staffing arrangements for the structure.

### **Costs incurred by interim chief executive officer**

**50.(1)** The merging local governments must pay for the cost of administrative arrangements incurred by the interim chief executive officer before the changeover day.

(2) An amount required for the cost may, without a resolution of a merging local government, be spent by it whether or not the disbursement is provided for in its budget.

(3) An amount may be paid only if the interim chief executive officer has given an account to the merging local government's chief executive officer.

### ***Division 2—Joint Transitional Committee***

#### **Joint Transitional Committee**

**51.(1)** The Joint Transitional Committee is established.

(2) The Committee consists of—

- (a) 6 councillors from the Council of the City of Warwick; and  
(b) 2 councillors from each of the Councils of the Shires of Allora, Glengallan and Rosenthal.

(3) The Committee may give directions to the interim chief executive officer about the exercise of the interim chief executive officer's powers.

(4) The Committee may conduct its meetings in the way it considers appropriate.

(5) Committee meetings are to be held at the times and places the Committee decides.

(6) The mayor of the Council of the City of Warwick must call the first meeting of the Committee.

- (7) Six members, of whom 1 must be the chairperson, form a quorum.
- (8) The Committee ends immediately before the changeover day.

### **Appointment of chairperson of Committee**

**52.(1)** At the first meeting of the Committee, the members must elect a chairperson of the Committee.

(2) If no decision is reached by the members present and voting, the chairperson of the Committee is the person chosen by the councillors from the City of Warwick.

### **Voting powers of chairperson**

**53.** The chairperson of the Committee has a deliberative vote and casting vote in all decisions of the Committee.

### **Decisions to be notified**

**54.** After making a decision, the Committee must immediately give written notice to the chief executive officer of each of the merging local governments.

### **Interim chief executive officer to comply with direction from Committee**

**55.(1)** The interim chief executive officer must comply with a direction from the Committee unless—

- (a) 2 merging local governments notify the interim chief executive officer under section 57 (Merging local governments may oppose decisions) that they oppose the decision to give the direction; and
- (b) the Minister does not confirm the decision under section 58 (Adjudication by Minister).

(2) The interim chief executive officer must also comply with a direction given by the Minister under section 58(1)(c).

### ***Division 3—Referral of decision to Minister***

#### **Meaning of “decision” in Division**

**56.** In this Division—

“**decision**” of the Committee means a resolution of the Committee to give a direction to the interim chief executive officer, other than a direction about—

- (a) establishing a department for the new local government; or
- (b) appointing an interim departmental head.

#### **Merging local governments may oppose decisions**

**57.(1)** Within 7 days after the Committee makes a decision, a merging local government may give written notice to the interim chief executive officer that it opposes the decision.

**(2)** If only 1 merging local government gives written notice under subsection (1), the interim chief executive officer must not take action on the notice.

**(3)** If 2 or more merging local governments give written notice under subsection (1), the interim chief executive officer must immediately give written notices to the Minister.

#### **Adjudication by Minister**

**58.(1)** If the Minister is notified under section 57 (Merging local governments may oppose decisions) that 2 or more merging local governments oppose a decision, the Minister may—

- (a) confirm the decision; or
- (b) revoke the decision; or
- (c) give a direction to the interim chief executive officer different to the direction decided by the Committee.

**(2)** Without limiting the Minister’s powers under subsection (1), the

Minister may revoke the decision if the Minister believes the issue would best be decided by the new local government after the changeover day.

### ***Division 4—Staff***

#### **Definitions**

**59.** In this Division—

**“continuing officer”** means a person who, under this Division, becomes and continues to be an officer of the new local government.

**“merging local government”** includes the Saleyards Board.

#### **Applying the report for this Division**

**60.** For applying the provisions of the report mentioned in this Division, a reference in the report to a former local government is taken to include a reference to the Saleyards Board.

#### **Existing staff**

**61.(1)** A person who, immediately before the changeover day, was an employee of a merging local government becomes an employee of the new local government.

**(2)** The employee remains entitled to all existing and accruing rights of employment.

**(3)** If an employee was suspended by a merging local government before the changeover day, the suspension continues and must be dealt with by the new local government.

#### **Rationalisation of staff because of change**

**63.(1)** In this section—

**“rationalisation action”** means—

- (a) an appointment of a continuing officer; or

- (b) a declaration that a continuing officer or a continuing officer's position is redundant; or
- (c) a redeployment of a continuing officer; or
- (d) a retrenchment of a continuing officer.

(2) If, within 2 years after the changeover day, the new local government starts to take a rationalisation action because of the abolition of the merging local governments and the creation of the new local government, the new local government must comply with the process set out in this Division and, subject to this Division, the Guidelines and Parameters for the Rationalisation of Staff as set out in section 26.1 of the report.

### **Process for retrenchment of continuing officer**

**64.(1)** For the purposes of section 63 (Rationalisation of staff because of change), the process to be used in retrenching a continuing officer is set out in this section.

(2) The new local government must—

- (a) try to redeploy or appoint the officer to a suitable position; or
- (b) decide, by resolution, that redeployment of the officer, or appointment of the officer to another position, is impracticable.

(3) After the new local government has complied with subsection (2), it must give a written offer of voluntary early retirement to the officer.

(4) The new local government may retrench the officer if the offer of voluntary early retirement—

- (a) is rejected, by notice signed by the officer; or
- (b) is not accepted, by notice signed by the officer, within 2 months after the offer is given to the officer.

### **Salary maintenance**

**65.(1)** This section applies if—

*Local Government (Allora, Glengallan,  
Rosenthal and Warwick) Regulation 1994*

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- (a) a continuing officer is redeployed, in accordance with this Division, to a position in the new local government (the “**new position**”); and
- (b) the salary for the new position is less than the salary to which the continuing officer was entitled for the permanent position the officer held in the merging local government (the “**former position**”).

(2) The officer must be paid an allowance enough to maintain the officer’s salary at the salary applying to the former position.

(3) The allowance continues under subsection (2) until whichever of the following first happens—

- (a) the person stops being an officer of the new local government;
- (b) the person is appointed to a position in the new local government and the salary for the position is equal to, or more than, the salary for the former position;
- (c) the end of 1 year after the officer’s appointment to the new position.

### **Payments to continuing officer who is retrenched or voluntarily retires**

**66.(1)** In this section—

“**service**” has the meaning given by section 26.1.4 of the report.

(2) This section applies to a continuing officer who is retrenched or voluntarily retires in accordance with this Division.

(3) The officer is entitled to a payment equal to the officer’s salary for 2 weeks for each year of service and a proportionate amount for an incomplete year of service.

(4) However, the officer—

- (a) must receive an amount equal to the officer’s salary for 4 weeks; but
- (b) must not receive an amount more than the officer’s salary for 52 weeks.

*Local Government (Allora, Glengallan,  
Rosenthal and Warwick) Regulation 1994*

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(5) If the officer accepts an offer to voluntarily retire within 2 weeks of the offer being made, the officer is also entitled to a further payment equal to the officer's salary for 13 weeks.

(6) An entitlement to a payment under this section is in addition to any other entitlement to payment under this regulation or otherwise, but is instead of the severance entitlements mentioned in section 26.1.13 of the report.

## **PART 6—EXPIRY OF REGULATION**

### **Expiry**

**67.(1)** This regulation expires on 31 December 1999.

(2) This regulation is a law to which the *Acts Interpretation Act 1954*, section 20A<sup>7</sup> applies.

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<sup>7</sup> *Acts Interpretation Act 1954*, section 20A (Repeal does not end saving, transitional or validating effect etc.)

## **SCHEDULE**

### **LOCAL LAWS**

section 19

#### **LOCAL LAWS OF THE CITY OF WARWICK**

<b>CHAPTER</b>	<b>SUBJECT MATTER</b>
1 (Local laws 2 to 17)	Preliminary
3	Animals, registration, impounding etc.
4	Buildings
5	Encroachments, projections and awnings
7	Noxious weeds
8	Nuisance, sanitary conveniences and rubbish dumps
9	Parks and reserves
10	Visibility at road intersections and road junctions
11	Public decency and order
12	Use of explosives
13	Safety and convenience and dangerous goods
14	Drainage
14	Signs and signboards
16	Streets and roads
17	Theatres and places of amusement
18	Water courses
19	Bathing and public baths
20 and 21	Registration of boarding houses, flat buildings and tenement buildings
22	Petrol pumps, air standards and water standards

SCHEDULE (continued)

23	Miscellaneous provisions
24	Sewerage by-laws
24	Television aerials
25	Water supply
26	Subdivision of land
27	Library
28	Cemeteries
29	Bridges
30	Motels
31	Town planning
32	Derelict or disused chattels
33	Private swimming pools
34	Regulated parking
35	Camping, caravans and caravan parks
36	Group title development
37	Discarded or disused machinery, second-hand materials
38	Private works
39	Contraceptive vending machines

**LOCAL LAWS OF THE SHIRE OF ALLORA**

<b>CHAPTER</b>	<b>SUBJECT MATTER</b>
2	General provisions
3	Accommodation
4	Advertisements
5	Allotment numbers
6	Animals and birds
7	Bridges and culverts
8	Camping, caravans, caravan parks and cabins
9	Cemeteries
11	Council hall
12	Dangerous goods

## SCHEDULE (continued)

13	Discarded or disused machinery, Second hand materials
14	Explosives
15	Go-Kart control
16	Libraries
17	Licensed gates and grids
18 (Part 1 only)	Meetings and business of the Council, committees and officers
19	Motels
20	Noise
21	Nuisance and annoyance control
22	Parks and reserves
23	Petrol pumps
24	Places of public amusement or public resort
25	Poisonous baits
26	Preservation of trees
27	Private works
28	Public conveniences
29	Recreation and showground reserves
30	Removal and re-Erection of buildings
31	Roads and control of traffic and obstruction on roads
32	Sewerage and septic tanks
33	Subdivision of land
34	Swimming pools and swimming places
35	Swimming pools (private)
36	Temporary homes
37	Water supply
38	Zoos
39	Reward for injury or damage to property etc.

SCHEDULE (continued)

**LOCAL LAWS OF SHIRE OF GLENGALLAN**

<b>LOCAL LAW</b>	<b>SUBJECT MATTER</b>
2	General provisions
4	Buildings
6	Safety and convenience
7	Roads and streets
8	Signboards and signs
9	Drains, drainage and Gutters
10	Nuisances—sanitary convenience —house refuse
11	Extraordinary traffic
12	Animals, poultry
13	Noxious weeds
14	Reserves and stock routes
15	Pollution of streams
16	Bathing
17	Theatres
18	Dairies
20	Impounding
21	Prevention of damage
22	Licensed gates and grids
23	Noxious trades
24	Poisonous baits
25	Prevention of bush fires
26	Bridges
27	Petrol pumps
28	Encroachments and projections
29	Drainage
30	Boarding houses and lodging houses
31	Blasting and quarrying
32	Dangerous goods
33	Meetings and processions
34	Miscellaneous
35	Water supply

SCHEDULE (continued)

36	Levee banks
37	Private works
38	Subdivision of land
39	Keeping of pigs
41	Town planning
42	Group title development
43	Keeping of dogs
44	Lot Feeding of stock

**LOCAL LAWS OF SHIRE OF ROSENTHAL**

<b>CHAPTER</b>	<b>SUBJECT MATTER</b>
2	General provisions
4	Encroachments and projections
5	Roads
6	Spouts, gutters and rain water
7	Straying, trespass and keeping of animals
8	Impounding and droving
9	Public health
10	Noxious weeds
11	Water
12	Septic tanks
14	Extraordinary traffic
15	Stalls
16	Reserves
17	Licensed gates
18	Buildings
19	Petrol pumps
21	Cemeteries
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24	Town planning

## 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 7 July 1999. Future amendments of the Local Government (Allora, Glengallan, Rosenthal and Warwick) 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

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

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 256 of 1994	22 July 1994
1A	to SL No. 327 of 1995	1 October 1996
1B	to SL No. 63 of 1997	12 May 1997

## 5 List of legislation

### **Local Government (Allora, Glengallan, Rosenthal and Warwick) Regulation 1994 SL No. 163**

made by the Governor in Council on 19 May 1994

notfd gaz 20 May 1994 pp 603–5

pts 1, 3 and 5 and s 25 commenced on date of notification (see s 2(1))

remaining provisions commenced 1 July 1994 (see ss 2(2), 4, 14, gaz 15 July 1994 p 1281)

exp 31 December 1999 (see s 67(1) as ins 1999 SL No. 118 s 6)

as amended by—

### **Local Government (Allora, Glengallan, Rosenthal and Warwick) Amendment Regulation (No. 1) 1994 SL No. 256**

notfd gaz 1 July 1994 pp 1170–77

commenced on date of notification

### **Local Government Legislation Amendment Regulation (No. 1) 1995 SL No. 327 pts 1–2**

notfd gaz 1 December 1995 pp 1334–7

commenced on date of notification

### **Local Government Legislation Amendment Regulation (No. 1) 1997 SL No. 63 pts 1, 3**

notfd gaz 21 March 1997 pp 1234–5

commenced on date of notification

### **Local Government Legislation Amendment Regulation (No. 1) 1999 SL No. 118 pts 1, 3**

notfd gaz 25 June 1999 pp 932–8

commenced on date of notification

## **6 List of annotations**

### **Local laws for the new area**

**s 19** amd 1995 SL No. 327 s 3; 1997 SL No. 63 s 5

### **Existing instruments**

**s 21** amd 1994 SL No. 256 s 3

### **Continuing planning schemes**

**s 26** amd 1994 SL No. 256 s 4

### **Officer may only be dismissed for misconduct or neglect**

**s 62** exp 1 July 1994 (see s 62(2), gaz 15 July 1994 p 1281)  
om R1 (see RA s 37)

## **PART 6—EXPIRY OF REGULATION**

**pt hdg** ins 1999 SL No. 118 s 6

### **Expiry**

**s 67** ins 1999 SL No. 118 s 6