



Queensland

Local Government Act 2009

Local Government (Transitional) Regulation 2010

Reprinted as in force on 17 September 2010

Reprint No. 1A

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE EXPIRY
See s 5 and 2009 Act No. 17 s 285(4)

Information about this reprint

This regulation is reprinted as at 17 September 2010. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint 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 reprint.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



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Local Government (Transitional) Regulation 2010

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Local Government (Transitional) Regulation 2010

[as amended by all amendments that commenced on or before 17 September 2010]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Local Government (Transitional) Regulation 2010*.

2 Commencement

This regulation is taken to have commenced on 1 July 2010.

Note—

See the Act, section 285(2).

Part 2 Provisions for facilitating financial matters

3 Making and levying rates and charges for local governments affected by reform matters

- (1) This section applies to—
- (a) a new local government for making and levying rates and charges for a relevant merged area; or
 - (b) an adjusted local government for making and levying rates and charges for a relevant adjusted area; or

[s 4]

- (c) an indigenous regional council for making and levying charges for a relevant area.
- (2) For making and levying the rates or charges, part 17A of the repealed 2005 regulation continues to apply as if the 1993 Act had not been repealed.
- (3) For all purposes, other than the making and levying of the rates or charges, rates or charges made and levied under the authority of this section are taken to have been made and levied under the Act.
- (4) In this section—

adjusted local government means an adjusted local government under section 159YD of the 1993 Act.

indigenous regional council means the Northern Peninsula Area Regional Council or the Torres Strait Island Regional Council.

new local government means a new local government under section 159YD of the 1993 Act.

relevant adjusted area see section 91C of the repealed 2005 regulation.

relevant area see section 91C of the repealed 2005 regulation.

relevant merged area see section 91C of the repealed 2005 regulation.

repealed 2005 regulation means the repealed *Local Government Regulation 2005*.

4 Preparation of annual report and financial statements for 2009–2010 financial year

- (1) Subsection (2) applies to a local government other than a local government that, immediately before 1 July 2010, was a community government under the Community Government Areas Act.
- (2) Despite the repeal of the 1993 Act, the following provisions continue to apply to the local government for preparing its

annual report and financial statements under that Act for the financial year that ended on 30 June 2010—

- (a) chapter 7, part 8 of the 1993 Act;
 - (b) the repealed *Local Government Finance Standard 2005*, part 4 and part 7, division 6.
- (3) Subsection (4) applies to a local government that, immediately before 1 July 2010, was a community government under the Community Government Areas Act.
- (4) Despite the repeal of the 1993 Act and the Community Government Areas Act, the following provisions continue to apply to the local government for preparing its annual report and financial statements under those Acts for the financial year that ended on 30 June 2010—
- (a) sections 11 and 37 of the Community Government Areas Act;
 - (b) chapter 7, part 8 of the 1993 Act;
 - (c) the repealed *Local Government (Community Government Areas) Finance Standard 2004*, parts 7 and 8.
- (5) In this section—

Community Government Areas Act means the repealed *Local Government (Community Government) Areas Act 2004*.

Part 3

Provisions for facilitating implementation of limited reviewable local government matters

4A What this part is about

This part makes provision to facilitate the implementation of the following limited reviewable local government matters that were implemented under section 282A of the Act—

- (a) a change to the external boundaries of Ipswich City Council and Scenic Rim Regional Council gazetted on 11 June 2010;
- (b) a change to the external boundaries of Cook Shire Council and Wujal Wujal Aboriginal Shire Council gazetted on 16 July 2010.

4B Definitions for pt 3

In this part—

current local government means the local government for a relevant lot immediately after the transfer day.

former local government means the local government for a relevant lot immediately before the transfer day.

relevant lot means a lot, shown on an area map mentioned in the *Local Government (Operations) Regulation 2010*, schedule 1, column 3, that is transferred from the former local government to the current local government on the transfer day.

transfer day means the day this part commences.

4C Unfinished actions of former local government

(1) To remove any doubt, it is declared that an action started by a former local government is taken to have been started by a current local government.

(2) In this section—

action means the performance of a function, or the exercise of a power, including the following—

- (a) an application about land;
- (b) the amount of rate for land on a relevant lot;
- (c) a demand for payment of an amount of rate;
- (d) any requirement under an Act.

4D Assets and public works on relevant lot

To remove any doubt, it is declared that the assets and public works on a relevant lot belong to the current local government.

Example—

Any material associated with a road or bridge is an asset.

4E Application fees

(1) This section applies to a relevant application that had not been decided by the former local government immediately before the transfer day.

(2) As soon as practicable after the transfer day, the former local government must pay the fee received for the relevant application to the current local government.

(3) In this section—

relevant application means an application made—

- (a) before the transfer day; and
- (b) under an Act or a planning scheme; and

- (c) to the former local government for a relevant lot about land in the relevant lot.

4F Planning scheme for relevant lot

- (1) An existing planning scheme applies after the transfer day until the current local government makes or amends a planning scheme to include the relevant lot.
- (2) The existing planning scheme must be implemented, administered and enforced by the current local government to the extent it relates to the relevant lot as if the existing scheme were part of a planning scheme for its local government area.
- (3) In this section—
existing planning scheme means a planning scheme for a relevant lot made by the former local government before the transfer day.

4G References in documents to former local government

- (1) A reference in a relevant document to a former local government may, as appropriate, be taken to be a reference to the current local government.
- (2) In this section—
relevant document means a document about a relevant lot.

4H Duty to facilitate change in boundaries

- (1) A former local government and a current local government must do all acts and things necessary or desirable to help in the implementation of a boundary change for a relevant lot.
- (2) Without limiting subsection (1), the former local government must give the current local government the records necessary to enable compliance with this part.

Part 4 Declaration

5 Declaration that regulation is a transitional regulation

This regulation is a transitional regulation.

Note—

This regulation expires 1 year after the commencement of section 285 of the Act. See section 285(4) of the Act.

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 17 September 2010. Future amendments of the Local Government (Transitional) Regulation 2010 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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 included	Effective	Notes
1	none	1 July 2010	
1A	2010 SL No. 252	17 September 2010	

5 List of legislation

Local Government (Transitional) Regulation 2010 SL No. 202

made by the Governor in Council on 5 August 2010

notfd gaz 6 August 2010 pp 1311–12

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

exp 2 July 2011 (see s 5 and 2009 Act No. 17 s 285(4))

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 (Transitional) Amendment Regulation (No. 1) 2010 SL No. 252

notfd gaz 17 September 2010 pp 159–60

commenced on date of notification

6 List of annotations

PART 1—PRELIMINARY

pt hdg ins 2010 SL No. 252 s 3

PART 2—PROVISIONS FOR FACILITATING FINANCIAL MATTERS

pt hdg ins 2010 SL No. 252 s 4

PART 3—PROVISIONS FOR FACILITATING IMPLEMENTATION OF LIMITED REVIEWABLE LOCAL GOVERNMENT MATTERS

pt 3 (ss 4A–4H) ins 2010 SL No. 252 s 5

PART 4—DECLARATION

pt hdg ins 2010 SL No. 252 s 5