



Local Government Legislation Amendment Regulation (No.1) 2020

Information paper on recent changes to local government legislation

October 2020

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An electronic copy of this report is available on the Department of Local Government, Racing and Multicultural Affairs' website at www.dlgrma.qld.gov.au.

Introduction

On 1 October 2020, the Governor in Council made the Local Government Legislation Amendment Regulation (No. 1) 2020.

The Regulation contains amendments for some matters as part of the broader local government reforms agenda, as well as amendments in response to the COVID-19 public health emergency, and other emerging needs detailed below.

Selling land for overdue rates

Following feedback from local governments, amendments to legislation have been made to remove restrictions imposed on local governments when selling land for overdue rates. As a result of the changes, if an auction is unsuccessful local governments will be able to offer the land for sale by a further auction or negotiation.

Changes include the following:

- removing the restriction in section 143 of the Local Government Regulation 2012 (LGR) and section 135 of the City of Brisbane Regulation 2012 (CBR) that a local government can only negotiate with the highest bidder at the auction and that the price must be more than the highest bid
- removing the requirement that the land is deemed to be sold to the local government if the land does not sell at the auction or following any subsequent negotiations for sale
- providing that if the land fails to sell at auction or by private contract within 12 months after the local government gives the notice of intention to sell, the sale of land process must end
- providing that a local government may commence fresh procedures to sell the same land at any time after the previous procedures have ended.

Reporting requirements for local government-controlled entities

The Auditor-General has recommended that local governments be required to make the financial statements of their controlled entities publicly available. This continues the Queensland Government's local government reform agenda to improve transparency, accountability and integrity.

New requirements include:

- local governments being now required to notify the Minister when a new controlled entity is established, and provide a copy of a controlled entity's governing documents when it is established or when any change is made to the documents within 14 days
- audited financial statements of each controlled entity being required to be tabled at a local government meeting and on published on the council's website.

Rates and charges for 2020–21 financial year

The *Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020* amended over 20 different Acts, as the third stage in the Queensland Government's legislative response to the COVID-19 public health emergency. This included temporary regulation-making powers under the *City of Brisbane Act 2010* (COBA) and *Local Government Act 2009* (LGA) that expire on 30 June 2021.

Changes under the Regulation include:

- enabling a local government to decide by resolution, at a meeting other than the budget meeting for the 2020–21 financial year, what rates and charges can be levied for the remainder of the financial year (starting no earlier than the day the resolution is made and ending on 30 June 2021)
- requiring the local government's annual budget for the 2020–21 financial year to be amended to take account of the extraordinary decision and for the amended budget to be adopted.

Advertising about council matters

The CBR and LGR contain provisions which require local governments to advertise in print newspapers in the following situations:

- before an auction when selling land for overdue rates or charges
- when proposing to choose a strategic approach to contracts for the supply of goods or services or the disposal of non-current assets.
- when inviting tenders/expressions of interest for certain contracts, invitations for expressions of interest from persons to be on an approved contractor list, invitations for tenders from suppliers to be on a register of pre-qualified suppliers and invitations from persons to tender for a preferred supplier arrangement.
- after a decision of Brisbane City Council about the remuneration payable to its councillors.

To address concerns around the declining readership of print newspapers, the increasing cost of newspaper advertising and the termination of many of Australia's regional and community print newspapers, the Regulations now allow local governments to consider more appropriate alternatives, including online publication.

Register of interests (in effect 12 October 2020)

As part of the Queensland Government's local government reform agenda, the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* amended the COBA and the LGA to align the requirements for councillors' registers of interests with the requirements applying to State Members of Parliament statements of interests.

To improve transparency, the Regulation will now require local governments to publish an extract of a councillor's register of interests showing particulars of the councillor's current interests.

Kuranda rail levy amendments (in effect 1 January 2020)

The LGR imposes a tourist infrastructure levy on the Kuranda rail operator until 31 December 2020. Currently the Kuranda rail operator is Queensland Rail.

Following consultation with relevant stakeholders including Mareeba Shire Council, the Regulation makes the following changes, effective 1 January 2021:

- extending the Kuranda rail levy until 31 December 2021 and the expiry of related provisions until 30 June 2022
- prescribing consistent yearly timeframes for payment of the levy and the giving of the annual statement detailing passenger journey numbers by the Kuranda rail operator.

More information

Find further information and resources for councillors, councillor advisors and council employees at www.dlgrma.qld.gov.au/lgresources.

Alternatively, please contact your regional office within the department:

Southern office

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Northern office

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1-minute feedback survey

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