

Queensland



Subordinate Legislation 1994 No. 478

Local Government Act 1993

**LOCAL GOVERNMENT (ALBERT,
BEAUDESERT AND GOLD COAST)
REGULATION 1994**

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Local Government (Albert, Beaudesert and Gold Coast) 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 implement reviewable local government matters for new area)
 - Division 5 (Interim chief executive officer)
 - Division 6 (Transitional Committee)
 - Division 7 (Decision-making by Transitional Committee)
 - Division 8 (Employees)
 - section 51 (Officer may only be dismissed for misconduct or neglect)

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

Purposes

3.(1) The purposes of this regulation are—

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

(2) This regulation implements the reviewable local government matters involving—

- (a) abolishing the areas of the City of Gold Coast and Shire of Albert; and
- (b) creating a new area named the City of Gold Coast consisting of—
 - (i) the abolished City of Gold Coast; and
 - (ii) the abolished Shire of Albert; and
- (c) changing the external boundaries of the new City of Gold Coast by excluding area A and including it in the Shire of Beaudesert; and
- (d) changing the external boundaries of the Shire of Beaudesert by excluding area B and including it in the new City of Gold Coast.

Definitions

4. In this regulation—

“affected local government” means Beaudesert Shire Council.

“area A” means the part of the existing Shire of Albert shown as area A on map no. LGR 6, held by the department.¹

“area B” means the part of the existing Shire of Beaudesert shown as area B on map no. LGR 6, held by the department.

“budget” of a merging local government, means the budget adopted by the merging local government for the 1994/95 financial year.

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

“continuing local law” means a local law continued in force under section 22 or 57.

“continuing planning scheme” means a planning scheme mentioned in section 32(1) or 62(1).

¹ A map or plan mentioned in this regulation may be inspected at the head office of the Department of Housing, Local Government and Planning or a copy may be inspected at the public offices of the relevant local government.

“declaration notice” means a notice under section 316 of the Act.²

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

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

“existing” means existing immediately before the changeover day.

“interim chief executive officer” means the person appointed under section 34.

“merging local government” means—

- (a) before the changeover day—
 - (i) the existing Gold Coast City Council; or
 - (ii) the existing Albert Shire Council; or
- (b) from the changeover day—
 - (i) the abolished Gold Coast City Council; or
 - (ii) the abolished Albert Shire Council.

“new area” means—

- (a) before the changeover day—
 - (i) the existing area of the City of Gold Coast; and
 - (ii) the existing area of the Shire of Albert (excluding area A); and
 - (iii) area B; or
- (b) from the changeover day—
 - (i) the abolished area of the City of Gold Coast; and
 - (ii) the abolished area of the Shire of Albert (excluding area A); and
 - (iii) area B.

² Section 316 (Declaration of poll).

“new local government” means the local government for the new area from the changeover day.

“planning scheme” includes town planning by-laws and subdivision of land by-laws continued in force under section 8.10 (Savings and transitional) of the Planning Act.

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

“remuneration resolution” means a resolution of the type mentioned in section 185(1) of the Act.³

“report” means the report of the Commissioner tabled in the Legislative Assembly on 23 November 1994 about the Commissioner’s review of the external boundaries of the City of Gold Coast and the Shires of Beaudesert and Albert and parts of the external boundaries of the City of Logan and Shires of Boonah and Moreton.⁴

“salary” includes wage.

“service” of an employee has the meaning given by section 7 of Attachment O of the report.

“Transitional Committee” means the committee established under section 40.

PART 2—IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS

City of Gold Coast

5.(1) The existing areas of the City of Gold Coast and the Shire of Albert

³ Section 185 (Remuneration for service on local government and advisory committees)

⁴ The Commissioner’s report may be inspected at the offices mentioned in footnote 1.

are abolished.⁵

(2) A new local government area is created from the abolished areas.

(3) The external boundaries of the new area are changed by—

(a) excluding area A; and

(b) including area B.

(4) The new area is a City.

(5) The name of the new area with the external boundaries as changed is Gold Coast.

(6) The area shown delineated on map no. LGB 58 edition 2, held by the department, is the City of Gold Coast.

Shire of Beaudesert

6.(1) The external boundaries of the Shire of Beaudesert are changed by—

(a) excluding area B; and

(b) including area A.

(2) Map no. LGB 12 edition 2, held by the department, shows the Shire of Beaudesert with area B excluded and area A included.

Composition of Gold Coast City Council

7. The local government for the City of Gold Coast consists of a mayor and 14 other councillors.

City of Gold Coast to have 14 divisions

8.(1) The City of Gold Coast is divided into 14 divisions in accordance with map no. LGB 58 edition 2, held by the department.

(2) One councillor is assigned to each division.

⁵ The boundaries of these areas are shown on plans bearing catalogue numbers LGB 58 edition 1 and LGB 2 edition 1 respectively.

PART 3—ELECTION OF FIRST COUNCIL

Fresh elections for new area

9. Fresh elections are to be held for a local government for the new area.

Timetable for fresh elections

10.(1) For holding the fresh elections—

- (a) the notice under section 248 of the Act⁶ must be published no later than 3 February 1995; and
- (b) the voters roll for the election must be compiled to 14 February 1995; and
- (c) the nomination day is 17 February 1995.

(2) The fresh elections must be held on 11 March 1995.

Appointment and role of returning officers

11.(1) The Minister must appoint a returning officer and an assistant returning officer for the fresh elections.

(2) As soon as practicable after making an appointment, the Minister must, by Gazette notice, advise the appointment.

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

(4) If, for any reason, the returning officer cannot perform the functions of office, the assistant returning officer must act as the returning officer.

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.

⁶ Section 248 (Calling for nominations).

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 office of councillor

13.(1) A person who lives in the new area and is an elector is qualified to become a councillor of the new local government.

(2) Subsection (1) has effect subject to sections 170 and 171 of the Act.⁷

Cost of fresh elections

14.(1) The Albert Shire Council must pay for the cost of conducting the fresh elections.

(2) An amount required for the cost may be spent—

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

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

Councillors for new local government

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

Gazettal of changeover day

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

⁷ Sections 170 and 171 are about disqualifications and vacation of office.

Cancellation of 1997 triennial elections

17. The 1997 triennial elections for the new local government are cancelled.

Term of office as councillor

18. The term of office of a person elected as councillor at the fresh elections begins on the changeover day and ends at the conclusion of the 2000 triennial elections.⁸

PART 4—GENERAL PROVISIONS TO IMPLEMENT REVIEWABLE LOCAL GOVERNMENT MATTERS FOR NEW AREA

Division 1—Role of new local government

New local government as successor of merging local governments

19.(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).

(3) However, subsection (1) applies subject to the provisions of this regulation about area A and B.

New local government to take over existing functions and powers

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

- (a) a local government may perform a function or exercise a power;
and

⁸ See section 355 of the Act (Extension of term of councillors).

- (b) a merging or affected local government started to perform the function or exercise the power for the new area 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 the affected local government under an Act, the new local government may deal with it.

Delegations by merging local government

21. If a merging local government had, before the changeover day, delegated the exercise of a power to a person who is an employee of the new local government, 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

22.(1) A local law of a merging or affected local government in force immediately before the changeover day continues in force as a local law of the new local government until 25 March 1997 unless it expires under the local law on an earlier day.

(2) However, a local law mentioned in Schedule 1 is not a local law of the new local government.

Application of continuing local laws to new area

23.(1) A continuing local law continues in force only for the part of the

new area it applied to immediately before the changeover day.

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

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

Model local laws made

24.(1) In this section—

“**model local law for meetings**” means Model Local Law No. 5 (Meetings) set out in *Local Government (Model Local Law) Notice (No.1) 1994* published in the Gazette on 5 August 1994 at page 1579–90.

(2) The new local government is taken to have made, and given notice of, the model local law for meetings as a local law.

(3) As soon as practicable after the changeover day, the interim chief executive officer must certify and give to the Minister 5 copies of the model local law for meetings taken to have been made by the new local government.

Existing instruments

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

- (a) made by a merging or affected local government under an Act or a local law before the changeover day about—
 - (i) a resident in the new area; or
 - (ii) an owner of land in the new area; or
 - (iii) land in the new area; or
 - (iv) a person’s entitlement to carry out an activity in the new area; and
- (b) 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 authorised a person to perform an activity, it is taken to authorise the activity for the part of the new area it applied to immediately before the changeover day and not the entire 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 local law is taken to be an instrument made by the local government under the Act or law.

Division 3—Financial matters

Vesting of assets and liabilities of merging local government

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

Vesting of assets and liabilities of new and affected local governments

27.(1) The new local government and the affected local government must jointly consider the assets and liabilities of each local government that are to become the assets and liabilities of the other local government.

(2) If the local governments reach agreement, they must prepare, and give to the Minister, a schedule identifying the assets and liabilities.

(3) If the local governments do not reach agreement within 6 months after the changeover day, the Minister may identify the assets and liabilities.

(4) The Minister must prepare and publish Gazette notices stating the identified assets and liabilities.

(5) An asset or liability of the affected local government stated in the Gazette notice becomes an asset or liability of the new local government.

(6) An asset or liability of the new local government stated in the Gazette notice becomes an asset or liability of the affected local government.

(7) Subsections (5) and (6) take effect for an asset or liability—

- (a) on the day the notice is gazetted; or
- (b) on a later day stated in the notice.

New local government may levy rates made or imposed by merging or affected local government

28.(1) This section applies if, immediately before the changeover day, a merging or affected local government—

- (a) had made or imposed a rate for land in the new 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 way the merging or affected local government could have given the notice or demanded payment.

(3) The new local government is taken to have made or imposed the rate.

Recovery of unpaid rates

29.(1) This section applies if—

- (a) before the changeover day, a merging or affected local government had made and levied, or imposed and levied, a rate about land in the new area 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 this regulation had not been made; 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.

(4) The new local government—

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

Application of budgets

30.(1) The new local government is taken to have adopted the budget of each merging local government.

(2) The new local government may disburse an amount for a matter in relation to the new area only if—

- (a) the amount for the matter is provided for in the budget of the relevant merging local government; or
- (b) the new local government resolves that the disbursement is necessary because of a genuine emergency or hardship (including a disbursement arising because of the creation of the new area).

(3) However, subsection (2) does not stop the new local government from disbursing an amount for a matter in relation to area B.

(4) Subsection (2) is subject to sections 14 and 39.⁹

Application of earlier remuneration resolution

31. The remuneration resolution decided by the Joint Transitional Committee to apply to the new local government or, failing a decision, Albert Shire Council's remuneration resolution in force immediately before the changeover day, continues in force as a resolution of the new local government until—

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

⁹ Section 14 is about the cost of fresh elections and section 39 is about costs incurred by the interim chief executive before the changeover day.

Division 4—Planning schemes and related matters

Continuing planning schemes

32.(1) This section applies to a planning scheme of a merging or affected local government in force for land in the new area 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.

(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—

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

Examples of continuing instruments—

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.

New local government responsible for continuing planning schemes

33. The new local government must implement, administer and enforce, and is bound by, each continuing planning scheme under the Planning Act.

Division 5—Interim chief executive officer

Appointment of interim chief executive officer

34.(1) The Minister must appoint a person to be the interim chief executive officer for the new area.

(2) If the Transitional Committee nominates a person by 13 January 1995, the Minister must appoint the person.

(3) The Minister must, by Gazette notice, notify the appointment of the interim chief executive officer.

(4) The appointment continues until the new local government revokes it.

Role of interim chief executive officer before changeover day

35.(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, the interim chief executive officer may appoint an interim departmental head only if the Transitional Committee directs the appointment.

(4) The appointment continues until the new local government revokes it.

(5) Subsection (1) is subject to section 48.¹⁰

Expenses over \$10 000

36.(1) The requirements of the Act regarding contracts over \$10 000 apply to an expense over \$10 000 incurred by the interim chief executive officer for an arrangement about a matter.

¹⁰ Section 48 requires the interim chief executive officer to comply with certain directions.

(2) If the interim chief executive officer enters into a contract, the interim chief executive officer is taken to have entered into the contract for each merging local government.

(3) This section expires on the day before the changeover day.

Organisational structure

37.(1) Unless the Transitional Committee otherwise directs, the interim chief executive officer must make the administrative arrangements necessary for the creation of the following 7 departments of the new local government—

- Corporate and Financial Services Department
- Technical and Scientific Services Department
- Community Services Department
- Development and Environment Planning Department
- Water and Waste Water Department
- Beaches and Waterways and City Cleaning Department
- Roads and Transport Department.

(2) However, as soon as practicable after the changeover day, the new local government must—

- (a) adopt the structure mentioned in subsection (1) and establish staffing arrangements for the structure; or
- (b) establish another structure, and staffing arrangements for the structure.

Role of the interim chief executive officer after the changeover day

38. From 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.

Costs incurred by interim chief executive officer

39.(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 6—Transitional Committee

Transitional Committee

40.(1) The Transitional Committee is established.

(2) The committee consists of—

- (a)** 4 councillors from the City of Gold Coast; and
- (b)** 4 councillors from the Shire of Albert.

(3) The committee's functions are—

- (a)** to decide which of the merging local government's remuneration resolutions is to apply to the new local government; and
- (b)** to give directions to the interim chief executive officer about—
 - (i)** administrative arrangements for the new local government; and
 - (ii)** the establishment of departments and the appointment of departmental heads of the departments.

(4) The committee may also nominate a person for appointment as interim chief executive officer.

(5) The committee may conduct its meetings in the way it considers appropriate.

(6) Committee meetings are to be held at the times and places the

committee decides.

(7) The mayor of the Shire of Albert must call the first meeting of the committee.

(8) Four members, of whom 1 must be the chairperson, form a quorum.

(9) The committee ends on the changeover day.

Chairperson of Transitional Committee

41.(1) At the first meeting of the Transitional Committee, the members must elect a chairperson of the committee.

(2) If no decision is reached by the members present and voting, the nominee of the Albert Shire Council is the chairperson of the committee.

Voting powers of chairperson of Transitional Committee

42. The chairperson of the Transitional Committee has a deliberative vote and casting vote in all decisions of the committee.

Sub-committees

43.(1) The Transitional Committee may establish the sub-committees it considers appropriate to report to it about a matter within its functions, including, for example, works and services, finance and staffing.

(2) A sub-committee must consist of between 4 and 8 councillors.

Division 7—Decision-making by Transitional Committee

Meaning of “decision” in Division

44. In this Division—

“**decision**” of the Transitional Committee means a resolution of the committee to give a direction to the interim chief executive officer.

Decisions to be notified

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

Merging local governments may oppose decisions

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

(2) The interim chief executive officer must immediately give written notice to the Minister.

Adjudication by Minister

47.(1) If the Minister is notified that a merging local government opposes a decision, the Minister may—

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

(2) Without limiting the Minister's powers under subsection (1), the Minister may revoke a decision if the Minister believes the relevant issue would best be decided by the new local government after the changeover day.

Interim chief executive officer to comply with directions

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

- (a) a merging local government notifies the interim chief executive officer that it opposes the decision; and
- (b) the Minister does not confirm the decision.

(2) The interim chief executive officer must also comply with a direction given by the Minister under section 47(1)(c).

Division 8—Employees

Meaning of “continuing employee” in Division

49. In this Division—

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

Existing employee

50.(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.

Officer may only be dismissed for misconduct or neglect

51.(1) In this section—

“**officer**” of a local government means an employee of the 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 undertake a specific capital works project, a research

project or another specific consultancy, project or task.

(2) A merging local government may dismiss an officer only for misconduct or neglect.

(3) If a merging local government purports to dismiss an officer other than for misconduct or neglect, the officer—

- (a) is not dismissed; and
- (b) is an officer of the merging local government immediately before the changeover day.

Rationalisation of employee because of change

52.(1) In this section—

“rationalisation action” means—

- (a) an appointment of a continuing employee; or
- (b) the declaration of a continuing employee or a continuing employee’s position as redundant; or
- (c) a redeployment of a continuing employee; or
- (d) a retrenchment of a continuing employee.

(2) If, within 2 years after the changeover day, the new local government starts to take a rationalisation action because of the making of this regulation, 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 set out in section 7 of Attachment O of the report.

Process for retrenchment of continuing employee

53. Before retrenching a continuing employee, the new local government must—

- (a) try to redeploy or appoint the employee to a suitable position; or
- (b) decide, by resolution, that redeployment of the employee, or appointment of the employee to another position, is not practicable.

Salary maintenance

54.(1) This section applies if—

- (a) a continuing employee is redeployed, under 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 employee was entitled for the permanent position the employee held in the merging local government (the “**former position**”).

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

(3) The allowance continues under subsection (2) until the end of 1 year after the employee’s appointment to the new position, unless—

- (a) the person ceases to be an employee of the new local government; or
- (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.

Payments to continuing employee who is retrenched or voluntarily retires

55.(1) This section applies to a continuing employee who is retrenched or voluntarily retires under this Division.

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

(3) However, the employee—

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

(4) If the employee accepts an offer to voluntarily retire within 2 weeks of the offer being made, the employee is also entitled to a further payment

equal to the employee's salary for 13 weeks.

(5) 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 7 of Attachment O of the report.

PART 5—GENERAL PROVISIONS TO IMPLEMENT REVIEWABLE LOCAL GOVERNMENT MATTERS FOR AREA A

Division 1—Role of affected local government

Affected local government to take over existing functions and powers

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

- (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 for area A before the changeover day but did not finish performing the function or exercising the power.

(2) The affected 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 affected local government may complete the procedures.

Example 2—

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

Division 2—Local laws and other instruments

Local laws for area A

57.(1) A local law of a merging local government in force immediately before the changeover day continues in force as a local law of the affected local government until 25 March 1997 unless it expires under the local law on an earlier day.

(2) However, a local law mentioned in Schedule 2 is not a local law of the affected local government.

Application of continuing local laws to area A

58.(1) A continuing local law continues in force only for area A.

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

Existing instruments

59.(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 about—
 - (i) a resident in area A; or
 - (ii) an owner of land in area A; or
 - (iii) land in area A; or
 - (iv) a person's entitlement to carry out an activity in area A; 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 affected 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 affected local

government).

(4) If the instrument authorised a person to perform an activity, it is taken to authorise the activity only for area A.

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

Division 3—Financial matters

Affected local government may levy rates made or imposed by merging local government

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

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

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

(3) The affected local government is taken to have made or imposed the rate.

Recovery of unpaid rates

61.(1) This section applies if—

- (a) before the changeover day, a merging local government had made and levied, or imposed and levied, a rate about land in area A 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 this regulation had not been made; and
- (b) the amount of the rate is payable by the person to the affected 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 affected local government.

(4) The affected local government—

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

Division 4—Planning schemes and related matters

Continuing planning schemes—area A

62.(1) This section applies to a planning scheme of a merging local government in force for area A immediately before the changeover day.

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

(3) The affected 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—

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

Examples of continuing instruments—

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.

Affected local government responsible for continuing planning schemes

63. The affected local government must implement, administer and enforce, and is bound by, each continuing planning scheme under the Planning Act.

PART 6—GENERAL

Valuation of lands

64.(1) In this section—

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

(2) A valuation of land in the new area or area A at 1 July 1994 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 area it was when the valuation was made.

Trust land

65.(1) This section applies if a local government is the trustee of trust land in area A or B immediately before the changeover day.

(2) The local government for the area where the trust land is situated becomes the trustee of the land.

(3) In this section—

“**reserve**” includes land dedicated as a reserve under the *Land Act 1962*.

“**trust land**” means land comprising a reserve or deed of grant in trust.

Records

66.(1) The records of each merging local government become the records of the new local government.

(2) The records for area A or B become the records of the local government controlling the area.

Facilitating changes in boundaries

67.(1) The new and affected local governments must do all acts and things necessary or desirable to facilitate the external boundaries change.

(2) Without limiting subsection (1), the new or affected local government must give each other the records necessary to enable compliance with this regulation.

Reference in documents to merging and affected local governments

68.(1) In a document relating to the new area (including, for example, a contract to which a merging local government was a party), a reference to a merging or affected local government is a reference to the new local government.

(2) In a document relating to area A (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 affected local government.

Pending legal proceedings—for new area

69. 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.

Pending legal proceedings—for area A or B

70.(1) This section applies to a legal proceeding by or against a local government that—

- (a) relates to area A or B; and
- (b) is not finished before the changeover day; and
- (c) is identified by the Minister by Gazette notice.

(2) The legal proceeding may be continued and finished by or against the local government controlling the area after the changeover day.

SCHEDULE 1

LOCAL LAWS NOT APPLYING TO NEW AREA

section 22

LOCAL LAWS OF THE CITY OF GOLD COAST

LOCAL LAW	SUBJECT MATTER
2	Proceedings, business and administrative arrangements of the council
6	Fees and expenses of members and provision of facilities for members

LOCAL LAWS OF THE SHIRE OF ALBERT

LOCAL LAW	SUBJECT MATTER
3	Proceedings, business and officers of the council

SCHEDULE 1 (continued)

LOCAL LAWS OF THE SHIRE OF BEAUDESERT

LOCAL LAW	SUBJECT MATTER
3	Meetings and business of the council, committees and officers
4	Fees and expenses of members

SCHEDULE 2

LOCAL LAWS NOT APPLYING TO AREA A

section 57

LOCAL LAWS OF THE SHIRE OF ALBERT

LOCAL LAW	SUBJECT MATTER
3	Proceedings business and officers of the council

ENDNOTES

1. Made by the Governor in Council on 15 December 1994.
2. Notified in the Gazette on 16 December 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Housing, Local Government and Planning.