

# Local Government and Other Legislation Amendment Bill 2013

Amendments during consideration in detail to be moved by  
Minister for Local Government, Community Recovery and Resilience

## 1 **Clause 7 (Amendment of s 179 (Preliminary assessments of complaints))**

Page 9, lines 27 to 30 and page 10, lines 1 to 14—

*omit, insert—*

- (2) If the chief executive officer makes the complaint—
  - (a) the person who receives the complaint must refer the complaint to the department's chief executive; and
  - (b) the department's chief executive must conduct a preliminary assessment of the complaint.
- (3) If any other entity makes the complaint—
  - (a) the person who receives the complaint must refer the complaint to the chief executive officer; and
  - (b) the chief executive officer must conduct a preliminary assessment of the complaint.

## 2 **Clause 7 (Amendment of s 179 (Preliminary assessments of complaints))**

Page 10, line 16—

*omit, insert—*

*renumber as section 179(4) to (6).*

## 3 **After clause 7**

Page 10, after line 16—

*insert—*

**7A Amendment of s 183A (Records about complaints)**

- (1) Section 183A(1)(a), ‘written complaints’—  
*omit, insert—*  
complaints
- (2) Section 183A(1)(b), ‘written complaint’—  
*omit, insert—*  
complaint
- (3) Section 183A(2), ‘written complaints’—  
*omit, insert—*  
complaints
- (4) Section 183A(3), ‘written complaint’—  
*omit, insert—*  
complaint

**4 Clause 8 (Amendment of schedule (Dictionary))**

Page 11, line 2—

*omit, insert—*

section 179(4)

**5 After clause 11**

Page 11, after line 18—

*insert—*

**11A Amendment of s 90A (Caretaker period)**

Section 90A(1)(b), after ‘conclusion’—

*insert—*

of

**6 Clause 15 (Amendment of s 176B (Preliminary assessments of complaints))**

Page 14, lines 16 to 31 and page 15, lines 1 to 10—

*omit, insert—*

- (2) If the mayor or the chief executive officer makes the complaint—
  - (a) the person who receives the complaint must refer the complaint to the department’s chief executive; and
  - (b) the department’s chief executive must conduct a preliminary assessment of the complaint.
- (3) If any other entity makes the complaint—
  - (a) the person who receives the complaint must refer the complaint to the chief executive officer; and
  - (b) the chief executive officer must conduct a preliminary assessment of the complaint.

**7 Clause 15 (Amendment of s 176B (Preliminary assessments of complaints))**

Page 15, after line 10—

*insert—*

- (2) Section 176B(6) and (7)—  
*renumber* as section 176B(4) and (5).

**8 After clause 15**

Page 15, after line 10—

*insert—*

**15A Amendment of s 181A (Records about complaints)**

- (1) Section 181A(1)(a), ‘written complaints’—

*omit, insert—*

complaints

- (2) Section 181A(1)(b), ‘written complaint’—

*omit, insert—*

complaint

- (3) Section 181A(2), ‘written complaints’—

*omit, insert—*

complaints

- (4) Section 181A(3), ‘written complaint’—

*omit, insert—*

complaint

**9 Clause 20 (Amendment of sch 4 (Dictionary))**

Page 19, after line 25—

*insert—*

- (4) Schedule 4, definition *preliminary assessment*, ‘section 176B(6)’—

*omit, insert—*

section 176B(4)

**10 Clause 31 (Insertion of new ch 10, pt 8)**

Page 29, lines 19 to 28—

*omit, insert—*

- (6) However, subsection (5) does not apply to a local government if the application is a development application.

- (7) Subsection (8) applies if, on the notification day—

- (a) the new local government is required to take a particular step as the decision maker for an

application or request within a certain period; and

- (b) the step has not been fully taken.
- (8) The new local government has a further 10 business days to take the step as well as any unexpired part of the period.
- (9) Subsections (10) to (12) apply to an application that is a development application if—
  - (a) a continuing local government continues as the decision maker under subsection (2); or
  - (b) a new local government becomes the decision maker under subsection (4).
- (10) Regardless of which stage of IDAS applies to the application, the other local government that is not the decision maker is the concurrence agency for the application to the extent the application is about land within the local government's area.
- (11) The concurrence agency must give the concurrence agency's response within 30 business days after the notification day.
- (12) The decision maker can not make a decision about the application until the earlier of the following—
  - (a) the receipt of the concurrence agency's response;
  - (b) the expiration of 30 business days after the notification day.

## 11 Schedule 1 (Minor and consequential amendments)

Page 40, line 12, 'section 270(1) to (4)'—

*omit, insert—*

section 292(1) to (4)

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Authorised by the Parliamentary Counsel