

## **Lockyer Valley Regional Council Local Law Making Process**

### **Making a local law that incorporates a model local law**

The Model Local Law Making Process detailed in this resolution must be followed to make a local law that is an adopted model local law.

- Step 1 – By resolution, propose to adopt the model local law.
- Step 2 – If the model local law proposed for adoption contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions
- Step 3 – By resolution, Council must decide whether to:
- (a) adopt and make the proposed model local law and, if there is an existing local law about the matter that is inconsistent with what is to be adopted – amend or repeal the existing local law so that there is no inconsistency (amendment or repeal of the inconsistent local law may be done in the same instrument adopting the local law), or
  - (b) proceed with the making of the proposed model local law with amendments, or
  - (c) not proceed with the making of the proposed model local law.

If Council resolves to proceed with the making of the proposed model local law with amendments, the use of the Model Local Law Making Process is to be discontinued, and the proposed adoption of the model local law with amendments must then be progressed using the Other Local Law Making Process, commencing at Step 2.

If Council resolves to adopt and make the proposed model local law without amendments, continue this process at Step 4.

- Step 4 – Within 1 month of Council's resolution, let the public know that the local law has been made by publishing a notice of the making of the local law:
- (a) in the gazette, in compliance with the requirements set out in Section 29B(3) of the *Local Government Act 2009*, and
  - (b) on Council's website, in compliance with the requirements set out in Section 29B(4) of the *Local Government Act 2009*.
- Step 5 – As soon as practicable after the notice is published in the Gazette, ensure that a copy of the local law may be inspected and purchased by the public at Council's public offices at Gatton and Laidley, and be viewed and downloaded from Council's website.
- Step 6 – Within 14 days after the notice is published in the Gazette, give the

Minister:

- (a) a copy of the notice, and
- (b) a copy of the local law in electronic form.

Step 7 – Update Council’s Local Laws Register.

### **Making an interim local law**

The Interim Local Law Making Process detailed in this resolution must be followed to make a local law that is an adopted interim local law.

Step 1 – By resolution, propose to adopt the interim local law.

Step 2 – Consult with relevant government entities about the overall State interest in the proposed interim local law, unless the proposed interim local law does not incorporate a model local law or is a subordinate local law.

Step 3 – If the model local law proposed for adoption contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.

Step 4 – By resolution, Council must decide whether to:

- (a) adopt and make the proposed interim local law and, if there is an existing local law about the matter that is inconsistent with what is to be adopted – amend or repeal the existing local law so that there is no inconsistency for the period of effect of the interim local law (amendment or repeal of the inconsistent local law may be done in the same instrument adopting the interim local law), or
- (b) proceed with the making of the proposed interim local law with amendments, or
- (c) not proceed with the making of the proposed interim local law.

If Council resolves to proceed with the making of the proposed interim local law but not to set an expiry date for the interim local law, the use of the Interim Local Law Making Process is to be discontinued, and the proposed adoption of the interim local law with amendments must then be progressed using the Other Local Law Making Process, commencing at Step 2.

If Council resolves to adopt and make the proposed interim local law with or without amendments, continue this process at Step 5.

Step 5 – Within 1 month of Council’s resolution, let the public know that the interim local law has been made by publishing a notice of the making of the local law:

- (a) in the gazette, in compliance with the requirements set out in Section 29B(3) of the *Local Government Act 2009*, and
- (b) on Council's website, in compliance with the requirements set out in Section 29B(4) of the *Local Government Act 2009*.

Step 6 – As soon as practicable after the notice is published in the Gazette, ensure that a copy of the interim local law may be inspected and purchased by the public at Council's public offices at Gatton and Laidley, and be viewed and downloaded from Council's website.

Step 7 – Within 14 days after the notice is published in the Gazette, give the Minister:

- (a) a copy of the notice, and
- (b) a copy of the interim local law in electronic form.

Step 7 – Update Council's Local Laws Register.

### **Making an "other" local law**

The Other Local Law Making Process detailed in this resolution must be used to make a local law other than:

- (a) a model local law, or
- (b) an interim local law, or
- (c) a subordinate local law.

Step 1 – By resolution, propose to make the proposed local law.

Step 2 – Consult with relevant government entities about the overall State interest in the proposed interim local law.

Step 3 – If the model local law proposed for adoption contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For the avoidance of doubt, this Step 3 and Step 4 may be undertaken concurrently.

Step 4 – Consult with the public about the proposed local law for at least 21 days (the consultation period) by:

- (a) publishing a notice (consultation notice) about the proposed local law at least once in a newspaper circulating generally in Council's local government area, and
- (b) displaying the consultation notice in a conspicuous place at Council's public offices in Gatton and Laidley and on Council's website from the first day of the consultation period until the end of the last day of the consultation period, and

- (c) making a copy of the proposed local law available for inspection at Council's public offices in Gatton and Laidley and on Council's website during the consultation period, and
- (d) making copies of the proposed local law available for purchase at Council's public offices in Gatton and Laidley and available for download from Council's website during the consultation period.

The consultation notice must state the following:

- (a) the name of the proposed local law, and
- (b) the purpose and general effect of the proposed local law, and
- (c) the length of the consultation period and the first and last days of the consultation period, and
- (d) that during the consultation period copies of the proposed local law are available for inspection and purchase at Council's public offices in Gatton and Laidley and for viewing and downloading from Council's website, and
- (e) that written submissions by any person supporting or objecting to the proposed local law may be made and given to Council on or before 5.00pm on the last day of the consultation period stating:
  - (i) the grounds of the submission, and
  - (ii) the facts and circumstances relied on in support of the grounds.

If Council decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, Council may proceed to Step 6 without satisfying this Step 4 or Step 5.

Step 5 – Accept and consider every submission properly made to Council.

A submission is properly made to Council if it:

- (a) is the written submission of any person about the proposed local law, and
- (b) states:
  - (i) the grounds of the submission, and
  - (ii) the facts and circumstances relied on in support of the grounds, and
- (c) is given to Council on or before 5.00pm on the last day of the consultation period.

Step 6 – By resolution, Council to decide whether to:

- (a) proceed with the making of the proposed local law as advertised, or
- (b) proceed with the making of the proposed local law with amendments, or
- (c) not proceed with the making of the proposed local law.

If Council resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, Council may again:

- (a) consult with the public at Step 4, and
- (b) accept and consider every submission properly made to Council at Step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, Council must again comply with Step 3 in respect of the amended anti-competitive provision.

Step 7 – Within 1 month of Council’s resolution, let the public know that the local law has been made by publishing a notice of the making of the local law:

- (a) in the gazette, in compliance with the requirements set out in Section 29B(3) of the *Local Government Act 2009*, and
- (b) on Council’s website, in compliance with the requirements set out in Section 29B(4) of the *Local Government Act 2009*.

Step 8 – As soon as practicable after the notice is published in the Gazette, ensure that a copy of the local law may be inspected and purchased by the public at Council’s public offices at Gatton and Laidley, and be viewed and downloaded from Council’s website.

Step 9 – Within 14 days after the notice is published in the Gazette, give the Minister:

- (a) a copy of the notice, and
- (b) a copy of the interim local law in electronic form.

Step 10 – Update Council’s Local Laws Register.

### **Making a subordinate local law**

The Subordinate Local Law Making Process detailed in this resolution must be used to make a subordinate local law.

Council may start the Subordinate Local Law Making Process even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising local law) has not been completed.

Council may use Steps 1 – 5 of the Subordinate Local Law Making Process (other than actually making the subordinate local law) before the proposed authorising law is made if:

- (a) in making the proposed authorising local law, Council has to satisfy:
  - (i) the Model Local Law Making Process, or
  - (ii) the Other Local Law Making Process, and
- (b) if the proposed authorising local law is made under the Other Local Law Making Process – the notice about the subordinate local law under Step 2 of the Subordinate Local Law Making Process is published no earlier than the notice about the proposed authorising local law under Step 4 of the Other Local Law Making Process is published.

For the avoidance of doubt, a subordinate local law made by Council using the Subordinate Local Law Making Process detailed in this resolution may provide for Council to, from time to time, by resolution, reference or incorporate information.

- Step 1 – By resolution, propose to make the proposed subordinate local law.
- Step 2 – If there is an existing local law, including a subordinate local law, about a matter in the proposed subordinate local law that would be inconsistent with the matter in the proposed subordinate local law, amend or repeal the existing local law to avoid inconsistency.
- Step 3 – If the subordinate local law proposed for adoption contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For the avoidance of doubt, this Step 3 and Step 4 may be undertaken concurrently.
- Step 4 – Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by:
  - (a) publishing a notice (consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in Council's local government area, and
  - (b) displaying the consultation notice in a conspicuous place at Council's public offices in Gatton and Laidley and on Council's website from the first day of the consultation period until the end of the last day of the consultation period, and
  - (c) making a copy of the proposed subordinate local law available for inspection at Council's public offices in Gatton and Laidley and on Council's website during the consultation period, and

- (d) making copies of the proposed subordinate local law available for purchase at Council's public offices in Gatton and Laidley and available for download from Council's website during the consultation period.

The consultation notice must state the following:

- (a) the name of the proposed subordinate local law, and
- (b) the name of:
  - (i) the local law allowing the proposed subordinate local law to be made, or
  - (ii) if Council has started the process for making a subordinate local law even though the process for making the proposed authorising local law on which the subordinate local law is to be based has not finished – the proposed authorising law, and
- (c) the purpose and general effect of the proposed subordinate local law, and
- (d) the length of the consultation period and the first and last days of the consultation period, and
- (e) that during the consultation period copies of the proposed subordinate local law are available for viewing and purchase at Council's public offices in Gatton and Laidley and for viewing and downloading from Council's website; and
- (f) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to Council on or before 5.00 pm on the last day of the consultation period stating:
  - (i) the grounds of the submission, and
  - (ii) the facts and circumstances relied on in support of the grounds.

If Council decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, Council may proceed to Step 6 without satisfying any of Steps 3 – 5 inclusive.

Step 5 – Accept and consider every submission properly made to Council.

A submission is properly made to Council if it:

- (a) is the written submission of any person about the proposed subordinate local law, and
- (b) states:

- (i) the grounds of the submission, and
  - (ii) the facts and circumstances relied on in support of the grounds, and
- (c) is given to Council on or before 5.00pm on the last day of the consultation period.

- Step 6 – By resolution, Council to decide whether to:
- (a) proceed with the making of the proposed subordinate local law as advertised, or
  - (b) proceed with the making of the proposed subordinate local law with amendments, or
  - (c) not proceed with the making of the proposed subordinate local law.

If Council resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, Council may again:

- (a) undertake public consultation at Step 4, and
- (b) accept and consider every submission properly made to Council at Step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, Council must again comply with Step 3 in respect of the amended anti-competitive provision.

- Step 7 – Within 1 month of Council's resolution, let the public know that the subordinate local law has been made by publishing a notice of the making of the subordinate local law:
- (a) in the gazette, in compliance with the requirements set out in Section 29B(3) of the *Local Government Act 2009*, and
  - (b) on Council's website, in compliance with the requirements set out in Section 29B(4) of the *Local Government Act 2009*.
- Step 8 – As soon as practicable after the notice is published in the Gazette, ensure that a copy of the subordinate local law may be inspected and purchased by the public at Council's public offices in Gatton and Laidley, and be viewed and downloaded from Council's website.
- Step 9 – Within 14 days after the notice is published in the Gazette, give the Minister:
- (a) a copy of the notice, and
  - (b) a copy of the subordinate local law in electronic form.
- Step 10 – Update Council's Local Laws Register.