



**City of
Ipswich**

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Compliance and Enforcement Policy

 Collaboration

 Communication

 Integrity

 Efficiency

 Leadership

Version Control and Objective ID	Version No: 2	Objective ID: A6142436
Adopted at Council Ordinary Meeting on	19 September 2020	
Date of Review	19 September 2022	

1. Statement

This is an overarching policy that outlines Council's broad approach to enforcement and provides a framework that promotes understanding of the manner in which compliance and enforcement activities are undertaken. The Policy is supported by detailed procedures that provide further guidance to staff. It establishes clear guidelines for the exercise of Council's powers in dealing with potential unlawful activity within Council's jurisdiction. It provides practical guidance on how Council staff are to assess potential unlawful activity to determine if it requires further investigation, the courses of action available to Council for dealing with unlawful activity, how to decide whether enforcement action is warranted and, if so, the process to be used in deciding which type of enforcement action is appropriate in the circumstances.

2. Purpose and Principles

The purpose of this policy is to assist Council staff to act promptly, consistently and effectively in response to allegations of unlawful activity. This is to ensure that:

- Council responds quickly and effectively to allegations of unlawful activity
- Council exercises its regulatory functions consistently and without bias
- Council regulatory functions are exercised proactively
- The rules of procedural fairness are applied when making decisions that concern regulatory matters
- Enforcement action is proportionate to the offence in each case
- There is widespread understanding of the Council's approach to enforcement, including the circumstances which will be taken into account when assessing different enforcement options; and
- Council allocates its limited resources in the most appropriate manner consistent with the public interest, its policy objectives and current regulatory issues

Our compliance and enforcement activities will be guided by the following principles:

- Our decisions will be fair, reasonable, respectful and reliable
- Our regulatory responses will be consistent, efficient and proportionate to the risk
- Our decisions and actions will be informed by evidence
- We will be transparent, and accountable for our decisions and actions
- We will monitor, review and report on our effectiveness
- We will continue to improve the way we regulate
- We will engage to listen, learn and respond.

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3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan themes:

- Safe, Inclusive and Creative
- Natural and Sustainable
- A Trusted and Leading Organisation

4. Regulatory Authority

Section 28 of the **Local Government Act 2009** provides the power for local governments to make and enforce local laws that are necessary or convenient for the good rule and government of their local government area. In addition, Council has the responsibility of administering a range of State legislation.

- *Local Government Regulations 2012*
- *Public Sector Ethics Act 1994*
- Employee Code of Conduct
- Councillor Code of Conduct
- Meeting Conduct Policy
- Meeting Conduct Procedure
- Conflicts of Interest for Employees Policy
- Conflicts of Interest for Employees Procedure – Identifying, Disclosing, Managing and Monitoring

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

The Policy applies to all areas of Council operations that have a compliance and enforcement component. This Policy applies a risk-based approach to compliance and enforcement management to ensure resources are focussed on those matters posing the most significant risk to the community and environment. This approach is used for both proactive compliance activities and also in response to reports alleging unlawful activity (reactive compliance). Council will undertake compliance and enforcement action where appropriate in accordance with this Policy document.

7. Roles and Responsibilities

General

This policy applies to all Councillors and Council officers and is directly relevant to officers involved in the compliance and enforcement of Legislation and Local Laws.

Delegations from the Chief Executive Officer are required to officers to enable them to undertake investigation or compliance and enforcement action.

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Councillors and Officers have significant responsibilities and must ensure that they comply with the relevant Codes of Conduct and Council Policies and Procedures in the execution of their duties. In particular, they must manage any conflicts of interest.

The Chief Executive Officer shall have overall responsibility for Council's legislative compliance framework.

Role of Officers

All council officers have a responsibility to ensure that they remain abreast of Legislation and Local Laws which affect their area of work.

The Executive Leadership Team are to ensure that adequate training and instruction is given to staff to ensure that legal obligations regarding their responsibilities are identified and met.

Managers must ensure that procedures and systems are established to support compliance and enforcement actions in accordance with this Policy.

Role of Councillors

Compliance and enforcement matters are sensitive and easily susceptible to allegations of impropriety, bias or inconsistency. In order to manage those risks, and be consistent with the Councillors' Code of Conduct and the Councillor – Staff Interaction Policy, Councillors are:

- Not to attend on-site meetings with Council staff, the complainants, or persons the subject of an investigation or enforcement action, or;
- Not to direct staff in relation to particular outcomes relating to investigations, enforcement options or actions.

Councillors can assist individuals who raise concerns with them by referring them to the relevant functional area so that the appropriate action can take place.

8. Key Stakeholders

The following Council Departments and Branches will be consulted during the review process:

- Planning and Regulatory Services Department
- Legal and Governance Branch

9. Monitoring and Evaluation

This policy is to be reviewed at least every two (2) years or sooner if necessary to accommodate changes in legislation.

10. Definitions

The following are the definitions of key terms in this Policy:

Council means the Ipswich City Council.

Councillor means a duly elected person of the Ipswich City Council.

Conflicts of Interest for Employees

Actual conflict of interest means there is a real conflict between the Council employee's official duties and their personal interests.

IPSWICH CITY COUNCIL | Compliance and Enforcement of Policy

Potential conflict of interest means personal interests that could conflict with a Council employee's official duty. This refers to circumstances where it is foreseeable, that a conflict may arise in the future and steps should be taken now to mitigate that future risk.

Perceived conflict of interest means the public or a third party could form the view that personal interests could improperly influence an employee's decision or action, now or in the future. Whilst it may or may not eventuate as an actual conflict, it is important to disclose a perceived conflict of interest, for transparency purposes.

Enforcement means a range of procedures and actions taken by Council to ensure that a person or organisation comply with their statutory obligations.

Public Interest means the interests of the community as a whole or a group within the community or individuals.

Risk means a potential impact that may cause physical, financial, environmental or other harm resulting in loss of value of goods, loss of life or loss of amenity.

11. Policy Owner

The General Manager (Planning and Regulatory Services) is the policy owner and is responsible for the authoring and reviewing this policy.



Local Law-Making Policy

 Collaboration

 Communication

 Integrity

 Efficiency

 Leadership

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IPSWICH CITY COUNCIL | Local Law-Making Policy

1. Statement

Council commits to making local laws that align with State Government legislation, are relevant and contemporary, and provide the community with transparency on how local laws are reviewed and made.

2. Purpose and Principles

Section 29(1) of the *Local Government Act 2009*, states that a local government may decide its own process for making a local law. The purpose of this policy is to define the process publicly for making a local law. The Local Government Principles from the *Local Government Act 2009* are applied.

- a) transparent and effective processes, and decision-making in the public interest; and
- b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- c) democratic representation, social inclusion and meaningful community engagement; and
- d) good governance of, and by, local government; and
- e) ethical and legal behaviour of councillors and local government employees.

There are four types of local laws that a Local Government can make:

- a local law that incorporates a model local law; and
- an “other” local law; and
- an interim local law; and
- a local law that is a subordinate local law.

The process for each type of law is below.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

4. Regulatory Authority

- *Local Government Act 2009*
- *Legislative Standards Act 2002*

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

This policy applies to the making of:

- each local law that incorporates a model local law; and
- each local law that is a subordinate local law; and
- each other local law; and
- an interim local law.

IPSWICH CITY COUNCIL | Local Law-Making Policy

7. Roles and Responsibilities

Council – Responsible for the making of the local law by resolutions.

Legal Services – Responsible for the coordination of making/amending/repealing a law.

Council Staff – Responsible for input into making/reviewing a law.

Community/External Stakeholders – feedback and input where the process indicates public consultation.

State Government – feedback and input where the process indicates State Government interest checks are to be undertaken.

8. Key Stakeholders

- Staff working in areas across Council that utilise the law requirements as part of their day to day operations such as customer service, applications and assessment, service request management and enforcement of local law breaches.
- Residents, businesses and visitors to the Ipswich local government area.

9. Making a local law that incorporates a model local law

The process (model local law-making process) stated in this policy must be used to make a local law that incorporates a model local law into the local laws of the local government.

- 9.1 By resolution, propose to incorporate the model local law.
- 9.2 If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- 9.3 If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law:
 - amend or repeal the existing local law so that there is no inconsistency.
- 9.4 By resolution, incorporate the model local law.
- 9.5 Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- 9.6 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 at Council's Customer Service Centres and available on Council's website.
- 9.7 Within 14 days after the notice is published in the gazette, give the Minister:
 - a copy of the notice; and
 - a copy of the local law in electronic form; and
 - if the local law contains 1 or more anti-competitive provisions:
 - advice of each anti-competitive provision; and
 - the reasons for their inclusion.
- 9.8 Update the register of local laws.

10. Making a local law ("other local law-making process")

The process (other local law-making process) stated in this policy must be used to make a local law (a proposed local law) other than:

IPSWICH CITY COUNCIL | Local Law-Making Policy

- a local law that incorporates a model local law; or
 - an interim local law; or
 - a subordinate local law.
- 10.1 By resolution, Council proposes to make the proposed local law.
- 10.2 Consult with relevant government entities about the overall State interest in the proposed local law.
- 10.3 Consult with the public about the proposed local law for at least 21 days (the consultation period) by:
- publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and
 - displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
 - making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and
 - making a copy of the proposed local law available on Council's website; and
 - making copies of the proposed local law available for purchase at the local government's public office during the consultation period.
- The consultation notice must state the following:
- the name of the proposed local law; and
 - the purpose and general effect of the proposed local law; and
 - the length of the consultation period and the first and last days of the period; and
 - that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating:
 - the grounds of the submission; and
 - the facts and circumstances relied on in support of the grounds.
 - If the local government decides, by resolution, that the proposed local law only amends an existing local law to make a minor change, the local government may proceed to step 10.6 without satisfying step 10.3 or step 10.5.
- 10.4 If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 10.3, and this step 10.4, may be undertaken contemporaneously.
- 10.5 Accept and consider every submission properly made to the local government. A submission is properly made to the local government if it:
- is the written submission of any person about the proposed local law; and
 - states:
 - the grounds of the submission; and
 - the facts and circumstances relied on in support of the grounds; and
 - is given to the local government on or before the last day of the consultation period.

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10.6 By resolution, decide whether to:

- proceed with the making of the proposed local law as advertised; or
- proceed with the making of the proposed local law with amendments; or
- make the proposed local law as advertised; or
- make the proposed local law with amendments; or
- not proceed with the making of the proposed local law.

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

- consult with the public at step 10.3; and
- accept and consider every submission properly made to the local government at 10.5.

For the avoidance of doubt, if an amendment changes an anticompetitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anticompetitive provisions for the amended anti-competitive provision.

10.7 Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.

10.8 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 at Council's Customer Service Centres and available on Council's website.

10.9 Within 14 days after the notice is published in the gazette, give the Minister:

- a copy of the notice; and
- a copy of the local law in electronic form; and
- if the local law contains 1 or more anti-competitive provisions:
 - advice of each anti-competitive provision; and
 - the reasons for their inclusion.

10.10 Update the local government's register of its local laws.

11. Making an interim local law

The process (interim local law-making process) stated in this policy must be used to make an interim local law (which is a local law that will only have effect for 6 months or less).

11.1 By resolution, Council proposes to make the proposed interim local law and its expiry date.

11.2 Consult with relevant government entities about the overall State interest in the proposed local law.

11.3 If the proposed interim local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 11.2 2, and this step 11.3, may be undertaken contemporaneously.

11.4 By resolution, decide whether to:

- make the proposed interim local law with or without amendments; or

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- not proceed with the making of the proposed interim local law.
- 11.5 Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- 11.6 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 at Council's Customer Service Centre's and available on Council's website.
- 11.7 Within 14 days after the notice is published in the gazette, give the Minister:
- a copy of the notice; and
 - a copy of the local law in electronic form; and
 - if the local law contains 1 or more anti-competitive provisions:
 - advice of each anti-competitive provision; and
 - the reasons for their inclusion.
- 11.8 Update the local government's register of its local laws.

12. Making a subordinate local law

A subordinate local law must be made using the following process. The local government may start the process for making a subordinate local law 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 law) has not finished.

The local government may undertake 12.1 to 12.4 of the subordinate local law-making process before the proposed authorising law is made if:

- in making the proposed authorising law, the local government has to satisfy:
 - the model local law-making process; or
 - the other local law-making process; and
- if the proposed authorising law is made under the other local law-making process:
 - The notice about the subordinate local law under 12.2 of the subordinate local law-making process is published no earlier than the notice about the proposed authorising law under 10.3 of the other local law-making process is published.

For the avoidance of doubt, a subordinate local law made by the local government using the process detailed in this resolution may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the Local Government Regulation 2012:

- the identification guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website; and
- the public interest test procedures are a document made by the department and available for inspection on the department's website.

- 12.1 Council, by resolution, proposes to make the proposed subordinate local law.

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12.2 Public consultation is undertaken about the proposed subordinate local law for at least 21 days (the consultation period) by:

- publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the Ipswich local government area; and
- displaying the consultation notice in a conspicuous place in the local government's public office for the consultation period; and
- making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and
- making a copy of the proposed local law available on Council's website; and
- making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following:

- the name of the proposed subordinate local law; and
- the name of:
 - the local law allowing the proposed subordinate local law to be made; or
 - if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished — the proposed authorising law; and
- the purpose and general effect of the proposed subordinate local law; and
- the length of the consultation period and the first and last days of the period; and
- that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating:
 - the grounds of the submission; and
 - the facts and circumstances relied on in support of the grounds.
- If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make a minor change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 12.5 without satisfying any of step 12.2 to step 12.4 inclusive.

12.3 If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 12.2, and this step 12.3, may be undertaken contemporaneously.

12.4 Accept and consider every submission properly made to the local government. A submission is properly made to the local government if it:

- is the written submission of any person about the proposed subordinate local law; and

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- states:
 - the grounds of the submission; and
 - the facts and circumstances relied on in support of the grounds; and
- is given to the local government on or before the last day of the consultation period.

12.5 By resolution, decide whether to:

- proceed with the making of the proposed subordinate local law as advertised; or
- proceed with the making of the proposed subordinate local law with amendments; or
- make the proposed subordinate local law as advertised; or
- make the proposed subordinate local law with amendments; or
- not proceed with the making of the proposed subordinate local law.

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

- consult with the public at step 12.2; and
- accept and consider every submission properly made to the local government at step 12.4.
- For the avoidance of doubt, if an amendment changes an anticompetitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anticompetitive provisions for the amended anti-competitive provision.

12.6 Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.

12.7 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 at Council's Customer Service Centre and available on Council's website.

12.8 Within 14 days after the notice is published in the gazette, give the Minister:

- a copy of the notice; and
- a copy of the subordinate local law in electronic form; and
- if the subordinate local law contains 1 or more anti-competitive provisions:
 - advice of each anti-competitive provision; and
 - the reasons for their inclusion.

12.9 Update the local government's register of its local laws.

13. Monitoring and Evaluation

- Local Laws should be reviewed at least once every four years to be relevant and contemporary.
- Evaluation could occur through surveys with key stakeholders on how the process works.

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14. Definitions

Local Law has the same meaning as defined in Section 26 of the *Local Government Act 2009*.

Subordinate Local Law has the same meaning as defined in Section 26 of the *Local Government Act 2009*.

Model Local Law has the same meaning as defined in Section 26 of the *Local Government Act 2009*.

Other Local Law-Making Process means any other type of local law-making process, with the exception of the following local law-making processes: (a) a local law that incorporates a model local law; (b) an interim local law; (c) a subordinate local law.

Interim Local Law has the same meaning as defined in Section 26 of the *Local Government Act 2009*.

Minor change means an amendment that will not change the policy intent and includes changes to the name of an Act or a spelling/grammatical error.

15. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Manager, Legal and Governance (General Counsel) is responsible for the authorising and reviewing this policy.



Local Law-Making Process
Section 29(1) of the *Local Government Act 2009*
Approval Date:

Section 29(1) of the *Local Government Act 2009* says a local government may decide its own process for making a local law to the extent that the process is not inconsistent with Chapter 3, Part 1 (Local Laws) of the Act. The following pages outline the process for making local laws and are consistent with the Act.

Processes and estimated timeframes are provided for:

- Making a local law (other than a model local law, interim local law or subordinate local law)
- Making a subordinate local law
- Making an interim local law
- Making administrative amendments to a local law or subordinate local law
- Making a local law that incorporates a model local law

Council's current local laws can be found at ipswich.qld.gov.au



Making a local law (other than a model local law, interim local law or subordinate local law)		
Notes: - A local law is a law made by a local government. - Section 28(1) of the Local Government Act 2009 states that a local government may make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area.		
STEPS		Estimated Timeframes
Prelim	Drafting & Anti-competitive provision process Officers to prepare draft of proposed local law and identify whether it contains any possible anti-competitive provisions. If the proposed local law contains a possible anti-competitive provision, comply with the procedures prescribed under section 15 of the <i>Local Government Regulation 2012</i> for the review of anti-competitive provisions, which may include meaningful consultation with relevant businesses about the anti-competitive provisions. If consultation is to occur it will be conducted at the same time as Public Consultation in Step 4.	Variable
Step 1	Council Resolution – Propose to make and proceed By resolution, propose to make the proposed local law and approve to proceed to State Government interest checks and then undertake public consultation (including consultation on any significant anti-competitive provisions should they exist)	1 month
Step 2	State Consultation Consult with relevant State Government entities about the overall State interest in the proposed local law. The identification of any anti-competitive provisions will be acknowledged should they exist and that consultation, as per the legislative requirements, will occur as part of Step 3 should it be required.	1 month
Step 2A	Amending to reflect State requirements If the State requires major amendments, a further Council resolution may be required to proceed with making the proposed local law (with those amendments) before undertaking public consultation.	(if required) 2 months (includes drafting time and council meeting)
Step 3	Public Consultation Consult with the public about the proposed local law for at least 21 days (the consultation period) by— • displaying a consultation notice in a conspicuous place at Ipswich City Council's public office (1 Nicholas Street) from the first day of the consultation period until the end of the last day of the consultation period; and • making a copy of the proposed local law available for inspection at Council's public office during the consultation period; and	1 month



	- making copies of the proposed local law available free of charge at Council's public office during the consultation period; and - making a copy of the consultation notice and proposed local law available for download on Council's public consultation website (Shape Your Ipswich) during the consultation period (a link from Council's website to Shape Your Ipswich will be available), Note: Council will promote the consultation through one or more of the various channels such as, but not limited to, social media, print media, media statements, displays and copies at other council facilities. Each local law when being made/amended may require different/bespoke consultation planning to ensure consultation outcomes are met. The consultation notice must state the following— - the name of the proposed local law; and - the purpose and general effect of the proposed local law; and - the length of the consultation period and the first and last days of the consultation period; - the method in which written submissions may be received by Council (eg online, email, post, delivery in person to 1 Nicholas Street); - that council will only consider properly made submissions and what that means (see Step 4A) - that written submissions by any person supporting or objecting to the proposed local law may be made and given to Council on or before the last day of the consultation period stating— - the grounds of the submission; and - the facts and circumstances relied on in support of the grounds. <u>Note: if any consultation is required due to possible new anti-competitive provisions, Council will comply with the procedures prescribed under section 15 of the <i>Local Government Regulation 2012</i>.</u>	
Step 3A	Consider Public Submissions Accept and consider every submission <u>properly made</u> to Ipswich City Council. A submission is properly made to Ipswich City Council if it — 1) is the written submission of any person about the proposed local law, including submissions using: - the Council's online submission form; - downloading and completing a submission form;	Variable <i>Note: The time needed to consider submissions will vary based on number of laws out for consultation and amendments being.</i>



	c) letter or email; and 2) states— a) the grounds of the submission; and b) the facts and circumstances relied on in support of the grounds; and 3) is received by Ipswich City Council on or before the last day of the consultation period.	
Step 4	Council resolution - Make By resolution: 1) Council decides whether to— a) make the proposed local law as advertised for public consultation; or b) make the proposed local law with amendments; or c) proceed with the making of the proposed local law with amendments by repeating steps 2, 2A, 3 and this step 4; or d) not proceed with the making of the proposed local law; and 2) for a proposed amendment to an existing local law, - adopt a 'consolidated version' of the local law incorporating all amendments decided under subsection (1) above. For the avoidance of doubt, if an amendment contains possible new anti-competitive provisions, Council must again comply with the procedures prescribed under section 15 of the <i>Local Government Regulation 2012</i>.	1 month
Step 5	Publishing of local laws Within one month of the resolution in Step 4, let the public know that the local law has been made, by publishing a notice of the making of the local law in the Queensland Government Gazette and on Council's website in accordance with the requirements of section 29B(1) to (4) inclusive of the <i>Local Government Act 2009</i>.	1 month
Step 5A	As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and provided free of charge at the Ipswich City Council's public office and is available on Council's website to view and download for free.	Captured in timeframe for Step 5
Step 5B	Within 14 days after the notice is published in the gazette, give the Minister— 1) a copy of the notice; and 2) a copy of the local law in electronic form. Note that for consolidated versions of a local law, Section 32(4) of the <i>Local Government Act 2009</i> states that within 7 days of the resolution, Council must give a copy to the Minister.	Captured in timeframe for Step 5



Step 5C	Update the local government's register of its local laws.	Captured in timeframe for Step 5
APPROX TIMEFRAME MINIMUM (Excluding prelim step as well as variable Step 2A if its required and 3A)		5 months+

Making a subordinate local law		
Notes: - A subordinate local law is a local law that is made under the power contained in a local law, and provides for the detailed implementation of broader principles contained in the local law. - A subordinate local law does not require State Government interest checks to be undertaken when making/amending the law. - Making a subordinate local law can commence at the same time the subordinate local law's authorising law (the local law) is being made or amended. A subordinate local law should not be finalised (Step 4) before the authorising law is finalised.		
STEPS		Estimated Timeframes
Prelim	Drafting & Anti-competitive provision process Officers to prepare draft of proposed local law and identify whether it contains any possible anti-competitive provisions. If the proposed local law contains a possible anti-competitive provision, comply with the procedures prescribed under section 15 of the <i>Local Government Regulation 2012</i> for the review of anti-competitive provisions, which may include meaningful consultation with relevant businesses about the anti-competitive provisions. If consultation is to occur it will be conducted at the same time as Public Consultation in Step 4.	Variable
Step 1	Council Resolution – Propose to make and proceed By resolution, propose to make the proposed subordinate local law and approve to proceed to public consultation (including consultation on any significant anti-competitive provisions should they exist)	1 month
Step 2	Public Consultation Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by— • displaying a consultation notice in a conspicuous place at Ipswich City Council's public office (1 Nicholas Street) from the first day of the consultation period until the end of the last day of the consultation period; and • making a copy of the proposed subordinate local law available for inspection at Council's public office during the consultation period; and	1 month



	• making copies of the proposed local law available free of charge at Council's public office during the consultation period; and • making a copy of the consultation notice and proposed local law available for download on Council's public consultation website (Shape Your Ipswich) during the consultation period (a link from Council's website to Shape Your Ipswich will be available), Note: Council will promote the consultation through one or more of the various channels such as, but not limited to, social media, print media, media statements, displays and copies at other council facilities. Each subordinate local law when being made/amended may require a different/bespoke consultation plan to ensure consultation outcomes are met. The consultation notice must state the following— • the name of the proposed subordinate local law (and the name of the local law that authorises the local law to be made); and • the purpose and general effect of the proposed subordinate local law; and • the length of the consultation period and the first and last days of the consultation period; • the method in which written submissions may be received by Council (eg online, email, post, in person); • that council will only consider properly made submissions and what that means (see Step 3A) • that written submissions by any person supporting or objecting to the proposed local law may be made and given to Council on or before the last day of the consultation period stating— - the grounds of the submission; and - the facts and circumstances relied on in support of the grounds. <u>Note:</u> if any consultation is required due to possible new anti-competitive provisions, Council will comply with the procedures prescribed under section 15 of the <i>Local Government Regulation 2012</i>.	
Step 2A	Consider Public Submissions Accept and consider every submission properly made to Ipswich City Council. A submission is properly made to Ipswich City Council if it — 1) is the written submission of any person about the proposed subordinate local law, including submissions using:	Variable



	a) the Council's online submission form; b) downloading and completing a submission form; c) letter or email; and 2) states— a) the grounds of the submission; and b) the facts and circumstances relied on in support of the grounds; and 3) is received by Ipswich City Council on or before the last day of the consultation period.	
Step 3	Council resolution - Make By resolution: 1) Council decides whether to— a) make the proposed subordinate local law as advertised for public consultation; or b) make the proposed subordinate local law with amendments; or c) proceed with the making of the proposed subordinate local law with amendments by restarting steps 2, 2A and this step 3 for the amended version; or d) not proceed with the making of the proposed subordinate local law; and 2) for a proposed amendment to an existing subordinate local law, adopt a 'consolidated version' of the subordinate local law incorporating all amendments decided under subsection (1) above. For the avoidance of doubt, if an amendment contains possible new anti-competitive provisions, Council must again comply with the procedures prescribed under section 15 of the <i>Local Government Regulation 2012</i>.	1 month
Step 4	Publishing of local laws Within one month of the resolution in Step 3, let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law (and the name of the local law that authorises the local law to be made) in the Queensland Government Gazette and on Council's website in accordance with the requirements of section 29B(1) to (4) inclusive of the <i>Local Government Act 2009</i>.	1 month
Step 4A	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 provided free of charge at the Ipswich City Council's public office and is available on Council's website to view and download for free.	Captured in timeframe for Step 4
Step 4B	Within 14 days after the notice is published in the gazette, give the Minister— 1) a copy of the notice; and 2) a copy of the subordinate local law in electronic form.	Captured in timeframe for Step 4



	Note that for consolidated versions of a subordinate local law, Section 32(4) of the <i>Local Government Act 2009</i> states that within 7 days of the resolution, Council must give a copy to the Minister.	
Step 4C	Update the local government's register of its local laws.	Captured in timeframe for Step 4
APPROX TIMEFRAME MINIMUM (Excluding prelim step with variable timeframe)		4 months+

Making an Interim Local Law		
Notes: - An interim local law only has effect for 6 months or less and must contain a provision stating when the law expires. - An Interim Local Law does not require public consultation or anti-competitive checks but does require State Government interest checks		
STEPS		Estimated Timeframes
Prelim	Drafting Officers to prepare draft of proposed interim local law. The interim local law must contain a provision stating when the law expires.	Variable
Step 1	Council Resolution – Propose to make and proceed By resolution, propose to make the proposed Interim local law and approve to proceed to State Government interest checks	1 month
Step 2	State Consultation Consult with relevant State Government entities about the overall State interest in the proposed interim local law and consider feedback.	1 month
Step 2A	Amending to reflect State requirements If the State requires major amendments, a further Council resolution may be required to proceed with making the proposed local law (with those amendments) before undertaking public consultation.	(if required) 2 months (includes drafting time and council meeting)
Step 3	Council resolution - Make By resolution and noting the expiry date of the interim local law: 1) Council decides whether to— a) make the proposed interim local law; or b) make the proposed interim local law with amendments; or	1 month



	c) not proceed with the making of the proposed interim local law.	
Step 4	Publishing of local laws Within one month of the resolution in Step 5, let the public know that the interim local law has been made and its expiry date, by publishing a notice of the making of the interim local law in the Queensland Government Gazette and on Council's website in accordance with the requirements of section 29B(1) to (4) inclusive of the <i>Local Government Act 2009</i> .	1 month
Step 4A	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 provided free of charge at the Ipswich City Council's public office and is available on Council's website to view and download for free.	Captured in timeframe for Step 6
Step 4B	Within 14 days after the notice is published in the gazette, give the Minister— 1) a copy of the notice; and 2) a copy of the interim local law in electronic form.	Captured in timeframe for Step 6
Step 4C	Update the local government's register of its local laws.	Captured in timeframe for Step 6
APPROX TIMEFRAME MINIMUM (Excluding prelim step and Step 2A if its required)		4 months+

Making “administrative amendments” to a local law or subordinate local law		
Notes: - “Administrative amendments” are described in Step 1 - For avoidance of doubt, “administrative amendments” are minor with no impact on the community (policy intent, anti-competitive etc) and for this reason will not go through public consultation process. - Administrative amendments made to local laws will have a State Government interest check undertaken.		
STEPS		Estimated Timeframes
Prelim	Drafting Officers to prepare draft of proposed local law or subordinate local law that only contain administrative amendments.	Variable



	The accompanying report that will go to Council in Step 1 should indicate why these changes are necessary and that they don't: - change any policy intent, - result in any anti-competitive provisions, and - don't make the law inconsistent with other laws.	
Step 1	Council Resolution – Propose to make and proceed for <u>Local Laws</u>; and Council Resolution –Make for <u>Subordinate Local Laws</u> By resolution: 1) decide that the proposed local law or subordinate local law is an “administrative amendment”, on the basis that Council is satisfied that that the amendment only corrects or changes: a) an explanatory matter about the local law or subordinate local law; b) the format or presentation of the local law or subordinate local law; c) a spelling, grammatical or mapping error in the instrument that does not materially affect the remainder of the local law or subordinate local law; d) a factual matter incorrectly stated in the local law or subordinate local law; e) a redundant or outdated term in the local law or subordinate local law; f) inconsistent numbering of provisions in the local law or subordinate local law; or g) cross-references in the local law or subordinate local law; and 2) If it is a <u>local law</u> requiring administrative amendments: a) propose to make the proposed local law and approve to proceed to State Government interest checks in Step 2; or 3) If it is a <u>subordinate local law</u> requiring administrative amendments, decide to: a) make the proposed subordinate local law; or b) make the proposed subordinate local law with further administrative amendments; or c) not proceed with the making of the proposed subordinate local law. 4) For a proposed amendment to a subordinate local law, adopt a ‘consolidated version’ of the subordinate local law incorporating all amendments decided under subsection (3) above. (the local law process now moves to Step 2) (the subordinate local law process now moves to Step 4)	1 month
Step 2	State Consultation (only required if a local law)	1 month (Local Laws only)



	Consult with relevant State Government entities about the overall State interest for the administrative amendments in the proposed local law and consider feedback.	
Step 3	Council resolution – Make for Local Laws By resolution: 1) decide whether to: a) make the proposed local law as provided to the State; or b) make the proposed local law with further administrative amendments; or c) not proceed with the making of the proposed local law; and 2) Adopt a ‘consolidated version’ of the local law incorporating any amendments decided under subsection (1) above.	1 month (Local Laws only)
Step 4	Publishing of local laws and subordinate local laws Within one month of the resolution, let the public know that the local law/subordinate local law has been made, by publishing a notice of the making of the local law/subordinate local law in the Queensland Government Gazette and on Council’s website in accordance with the requirements of section 29B(1) to (4) inclusive of the <i>Local Government Act 2009</i> .	1 month
Step 4A	As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law/subordinate local law may be inspected and provided free of charge at the Ipswich City Council’s public office and is available on Council’s website to view and download for free.	Captured in timeframe for Step 4
Step 4B	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/subordinate local law in electronic form. Note that for consolidated versions of a local law/subordinate local law, Section 32(4) of the <i>Local Government Act 2009</i> states that within 7 days of the resolution, Council must give a copy to the Minister.	Captured in timeframe for Step 4
Step 4C	Update the local government’s register of its local laws.	Captured in timeframe for Step 4
APPROX TIMEFRAME MINIMUM (Excluding prelim step with variable timeframe)		4 months for local laws 2 months for subordinate local laws



Making a local law that incorporates a model local law		
Notes: - A model local law is a local law that has been approved by the Minister (by gazette notice) as being suitable for incorporation by all local governments.		
STEPS		Estimated Timeframes
Prelim	Drafting & Anti-competitive provision process Officers to prepare council report with model local law (the proposed local law) and identify whether it contains any possible anti-competitive provisions. If the proposed local law contains a possible anti-competitive provision, comply with the procedures prescribed under section 15 of the <i>Local Government Regulation 2012</i> for the review of anti-competitive provisions, which may include meaningful consultation with relevant businesses about the anti-competitive provisions. If consultation is to occur it will be conducted in Step 2. Inconsistency Check If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law, the council report should also identify the inconsistency, and: - amend or repeal the existing local law so that there is no inconsistency. - If amend, the relevant process should be followed in conjunction with this process.	Variable
Step 1	Council Resolution – Propose to make and proceed By resolution, propose to incorporate the model local law and proceed to anti-competitive provision checks.	1 month
Step 2	Anti-competitive provision Consultation If the preliminary stage identifies that the model local law contains a possible anti-competitive provision, meaningful consultation with relevant businesses about the anti-competitive provision will be required. Council will comply with the procedures prescribed under section 15 of the <i>Local Government Regulation 2012</i>	1 month
Step 3	Council resolution - Make By resolution, incorporate the model local law.	1 month
Step 4	Publishing of local laws	1 month



	Within one month of the resolution in Step 4, let the public know that the local law has been made, by publishing a notice of the making of the local law in the Queensland Government Gazette and on Council's website in accordance with the requirements of section 29B(1) to (4) inclusive of the <i>Local Government Act 2009</i> .	
Step 4A	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 at Council's Customer Service Centre's and available on Council's website.	Captured in timeframe for Step 4
Step 4B	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.	Captured in timeframe for Step 4
Step 4C	Update the register of local laws.	Captured in timeframe for Step 4
APPROX TIMEFRAME MINIMUM (Excluding prelim step with variable timeframe)		4 months+