

# **Ipswich**

City Council

## *Local Law No. 4 (Permits) 2013*

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## **Part 1      Preliminary**

### **1          Short Title**

- 1      This local law may be cited as *Local Law No.4 (Permits) 2013*.

### **1A        Commencement**

This local law commences on 1 August 2013.

### **2          Object**

The objects of this local law are to ensure that—

- (a)    a permit regulated activity does not result in—
  - (i)     harm to human health or safety or personal injury; or
  - (ii)    property damage or a loss of amenity; and
- (b)    the operation of a permit regulated activity<sup>1</sup> complies with the Local Government Acts that regulate permit regulated activities by subjecting the regulated activities to an inspection, monitoring and enforcement regime.

### **3          Definitions—the Dictionary**

- (1)    The dictionary in the Schedule (Dictionary) of this local law defines particular words used in this local law.
- (2)    The dictionary in *Local Law No. 1 (Administration) 2013* also defines words used in this local law.

### **4          Relationship to other laws**

- (1)    This local law does not apply to—
  - (a)    the operation of a permit regulated activity on a State-controlled road if regulation of the activity is prohibited by Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*; or
  - (b)    the operation of a permit regulated activity which is—
    - (i)     authorised; or
    - (ii)    required to be operated in the performance of an express duty or power,

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<sup>1</sup> For definition of permit regulated activity see Schedule (Dictionary).  
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under legislation (including subordinate legislation); or

Example—

*If incineration was a permit regulated activity this section would exempt officers of the Queensland Fire and Rescue Service and other authorised persons from being licensed as they have the power to light fires under the Fire and Rescue Service Act 1990.*

(c) a person operating a permit regulated activity where that person is required to be licensed, registered or approved in respect of the operation of that permit regulated activity pursuant to—

- (i) the *Environmental Protection Act 1994*; or
- (ii) the *Residential Services (Accreditation) Act 2002*; or
- (iii) the *Public Health (Infection Control for Personal Appearance Services) Act 2003*; or
- (iv) the *Child Protection Act 1999*; or
- (v) the *Disability Services Act 2006*.

Example of paragraph (c)—

This would exempt the operation of a regulated activity that is registered by the State government under the *Environmental Protection Act 1994*.

(2) The powers given by this local law must be exercised in a way that is not inconsistent with any Acts (including subordinate legislation) including—

- (a) the *Environmental Protection Act 1994*; and
- (b) the *Fire and Emergency Services Act 1990*; and
- (c) the *Stock Route Management Act 2002*; and
- (d) the *Transport Operations (Roads Use Management) Act 1995*; and
- (e) the *Land Act 1994*; and
- (f) the *Plumbing and Drainage Act 2018*; and
- (g) the *Building Act 1975*; and
- (h) the *Planning Act 2016*; and
- (i) the *Residential Services (Accreditation) Act 2002*; and
- (j) the *Food Act 2006*; and
- (k) the *Work Health and Safety Act 2011*; and
- (l) the *Coroners Act 2003*; and

- (m) the *Transport Infrastructure Act 1994*; and
- (n) the *Food Production (Safety) Act 2000*; and
- (o) the *Retirement Villages Act 1999*; and
- (p) the *Public Health Act 2005*; and
- (q) the *Public Health (Infection Control for Personal Appearance Services) Act 2003*; and
- (r) *Vegetation Management Act 1999*; and
- (s) *Nature Conservation Act 1992*; and
- (t) *Water Act 2000*; and
- (u) *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

## **5 Relationship with other local laws**

- (1) This local law is to be read with *Local Law No. 1 (Administration) 2013*.
- (2) This local law applies to -
  - (a) the application for, grant of and enforcement of permits; and
  - (b) all other incidental matters concerning permit regulated activities; specified in -
    - (i) *Local Law No. 5 (Parking) 2013* and its subordinate laws; and
    - (ii) *Local Law No. 6 (Animal Management) 2013* and its subordinate laws; and
    - (iii) *Local Law No. 7 (Local Government Controlled Areas and Roads) 2013* and its subordinate laws; and
    - (iv) *Local Law No. 8 (Nuisances and Community Health and Safety) 2013* and its subordinate laws.
- (3) A reference in this local law to a power to make a subordinate law is to be taken to be a power to make that subordinate local law under any of the local laws referred to section 5(1)(b)(i)-(iv) (Relationship with other local laws).

## Part 2      Permits

### 5A      What is a permit regulated activity

*A permit regulated activity* means –

- (a)      an activity which is prescribed as a permit regulated activity in a local law or subordinate local law; or
- (b)      an activity which would ordinarily be prohibited by a local law unless authorised by a permit, but for which a local law or subordinate local law prescribes that a permit is not required.

### 5B      Offence to undertake permit regulated activity without permit

- (1)      A person must not carry out a permit regulated activity on premises within the local government area unless authorised by a permit granted under section 7 (Deciding an application for a permit) of this local law, or another local law.

Maximum penalty for subsection (1) – 50 penalty units.

- (2)      A person must not, in any manner or by any means indicate that a permit regulated activity which does not comply with this local law or any other relevant local law does comply with the local law.

Maximum penalty for subsection (2) – 50 penalty units.

- (3)      Despite section 5B(1) (Offence to undertake permit regulated activity without permit) of this local law, a local law or a subordinate local law may specify that a permit is not required in respect of a permit regulated activity (**exempt permit regulated activity**).

### 5C      Minimum standards for permit regulated activity

- (1)      The local government may, by subordinate local law, prescribe minimum standards that must be complied with in carrying out a permit regulated activity.
- (2)      The local government may, by subordinate local law, require that a permit regulated activity or an exempt permit regulated activity cannot be carried out unless—
  - (a)      minimum standards for the regulated activity prescribed in a subordinate local law are complied with; or
  - (b)      if minimum standards cannot be complied with, the written approval of the local government has been obtained.

- (3) If the local government prescribes minimum standards for the conduct of a permit regulated activity or exempt permit regulated activity, a person must not—
- (a) undertake the permit regulated activity or exempt permit regulated activity (as the case may be) on premises within the local government area unless—
    - (i) the relevant minimum standards are complied with; or
    - (ii) the person has obtained the written approval of the local government under section 5C(2)(b); or
  - (b) change the manner of operation of a permit regulated activity on premises within the local government area unless –
    - (i) minimum standards are complied with; or
    - (ii) the person has obtained the written approval of the local government under section 5C(2)(b).

Maximum penalty for subsection (3)—50 penalty units

## **6 Application for a permit**

- (1) An application for a permit must be—
- (a) made by the person who will be operating the permit regulated activity; and
  - (b) made in the prescribed form; and
  - (c) accompanied by—
    - (i) the name, contact telephone number and postal address of the applicant; and
    - (ii) the prescribed fee; and
    - (iii) in respect of any separate approval relating to the proposal that is required under another law –
      - (A) proof that the applicant holds any separate approval relating to the proposal; or
      - (B) proof that an application has been made for any separate approval relating to the proposal and advice on the status of that application; or
      - (C) advice on when an application for any separate approval relating to the proposal will be made; and



- (iv) full details of the permit regulated activity; and
  - (v) such other information and materials specified in a subordinate local law.
- (2) If an applicant for a permit is not the owner of the premises on which the permit regulated activity is to be operated, the application must be accompanied by the written consent of the owner. This requirement does not apply if the premises is under local government control.
- (3) The local government is not required to consider an application which is—
  - (a) not made in the prescribed form; or
  - (b) not accompanied by the documents, materials or fee required in section 6(1) (Application for a permit).
- (4) The local government may waive the requirements of section 6 (Application for a permit) of this local law—
  - (a) in an emergency; or
  - (b) if there are special reasons for dispensing with the requirements; or

*Example—*  
Where a development permit exists for the permit regulated activity.

  - (c) in the circumstances specified in a subordinate local law.

## **6A Request for further information**

- (1) The local government may, by written notice, request the applicant to provide further information or clarification of information, documents or materials included in the application.
- (2) The notice under subsection (1) must state—
  - (a) the grounds on which the request is made; and
  - (b) an outline of the facts and circumstances forming the basis for the grounds; and
  - (c) a detailed description of the information requested; and
  - (d) the date, not less than 10 business days after the applicant receives the notice, by which the applicant must provide the information.
- (3) If the applicant does not provide the further information by the stated date—
  - (a) the application lapses; and

- (b) the local government must give the applicant written notice stating that—
  - (i) under this section the application lapses; and
  - (ii) the applicant may make a new application.
- (4) However, the local government may extend the period for the applicant to provide the further information.

## **7 Deciding an application for a permit**

- (1) The local government must—
  - (a) subject to section 6(3) of this local law, consider an application for a permit; and
  - (b) after carrying out assessment of the application –
    - (i) approve the application;
    - (ii) approve the application subject to conditions; or
    - (iii) refuse the application.
- (2) In deciding an application the local government may have regard to—
  - (a) the likelihood of the activity causing nuisance, inconvenience or annoyance to the occupiers of adjoining premises or the community;
  - (b) the likely effect of the activity on the amenity of the surrounding area;
  - (c) the likely effect of the activity on the local environment or any nuisance caused or contributed to by the activity;
  - (d) the likely effect of the activity on public health, safety and amenity;
  - (e) the physical suitability of the land for the proposed use;
  - (f) whether any improvements or structures associated with the activity and proposed to be constructed on land, are structurally sound and consistent with surrounding buildings and the environment;
  - (g) whether the applicant holds any other approvals required to conduct the activity under another law; and
  - (h) whether the applicant complies with the provisions of the Local Government Acts that regulate the operation of the permit regulated activity; and

- (i) whether the activity complies with the assessment criteria<sup>2</sup>; and
  - (j) whether the activity complies with the minimum standards; and
  - (k) any other matters which the local government considers relevant to deciding the application.
- (3) Before the local government decides an application for a permit, an authorised person may—
  - (a) inspect any premises<sup>3</sup>, vehicle, equipment, animal, plant or thing to be involved in the operation of the permit regulated activity; and
  - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.
- (4) For the purposes of determining whether the matters specified in section 7(2) (Deciding an application for a permit) of this local law have been satisfied the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the permit regulated activity.

## **8 Term of a permit**

- (1) A permit granted by the local government is for a term—
  - (a) specified in the permit; or
  - (b) otherwise specified in a subordinate local law.
- (2) A permit expires at the end of the day specified in section 8(1) (Term of a permit) of this local law.

## **9 Conditions of a permit**

- (1) A permit may be granted by the local government on conditions the local government considers appropriate.
- (2) However, the conditions must—
  - (a) be reasonably necessary to ensure that the operation and management of the proposal will be adequate to protect public health, safety and amenity; and
  - (b) be consistent with the purpose of any relevant local law or subordinate local law; and

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<sup>2</sup> See definition of *assessment criteria* in the Schedule (Dictionary).

<sup>3</sup> Entry to property for the purpose of assessing an application is subject to section 132 of the *Local Government Act 2009*.  
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- (c) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the proposal under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) The local government may specify in a subordinate local law, the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit for a permit regulated activity.

## **10 Power to change the conditions of a permit**

- (1) The local government may change a condition of a permit where<sup>4</sup>—
  - (a) the holder of the permit agrees to the proposed change; or
  - (b) the change is necessary to prevent—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) a nuisance; or
  - (c) the change is necessary to ensure that the undertaking of the permit regulated activity complies with the minimum standards.
- (1A) Section 10(1) (Power to change the conditions of a permit) of this local law does not limit the power a local government may have apart from this section to amend a condition of a permit.<sup>5</sup>
- (2) If the local government is satisfied it is necessary to change a condition of a permit under section 10(1)(b) or 10(1)(c), the local government must—
  - (a) give the holder of the permit a written notice stating—
    - (i) the proposed change and the reasons for the change; and
    - (ii) that the holder of the permit may make written representations to the local government about the proposed change; and
    - (iii) the time (at least 15 business days after the notice is given to the holder of the permit) within which the written representations may be made; and
  - (b) consider any written representation made by the holder of the permit within the time stated in the notice.

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<sup>4</sup> A change to the conditions of a permit includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

<sup>5</sup> See section 9 of *Local Law No. 1 (Administration) 2013*.

- (3) After considering any written representation made by the holder of the permit, the local government must give to the holder of the permit—
  - (a) if the local government is not satisfied the change is necessary – a written notice stating that it has decided not to change the condition; or
  - (b) if the local government is satisfied that the change is necessary – a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the notice was given to the holder of the permit or a later day stated in the notice.

## **11 Amendment, renewal or transfer of a permit**

- (1) The holder of a permit may make an application to the local government to—
  - (a) amend the permit including the conditions of the permit; or
  - (b) renew the permit; or
  - (c) transfer the permit to another person.
- (2) An application to amend, renew or transfer a permit must be—
  - (a) made by the holder of the permit; and
  - (b) made in the prescribed form; and
  - (c) accompanied by the prescribed fee and such other information as is requested by the local government; and
  - (d) accompanied by, in the case of a transfer of the permit—
    - (i) the written consent of the person to whom the permit will be transferred; and
    - (ii) if the applicant for the transfer or the transferee is not the owner, the written consent of the owner of the premises on which the permit regulated activity is or is to be undertaken.
- (3) The local government may renew or transfer a permit—
  - (a) where the undertaking of the permit regulated activity complies with the conditions of the permit and the provisions of this local law; and
  - (b) subject to such conditions the local government considers appropriate.

- (4) The local government may amend a permit subject to such conditions the local government considers appropriate having regard to the matters specified in section 7(2) (Deciding an application for a permit) of this local law.
- (5) If an application to renew a permit is made to the local government, the permit remains in force until –
  - (a) the application is granted;
  - (b) if the application is refused and the applicant applies for a review under Part 6 of *Local Law No. 1 (Administration) 2013* – the date the applicant is given notice of the review decision; or
  - (c) if the application is refused and the applicant has not applied for a review of the decision under Part 6 of *Local Law No. 1 (Administration) 2013* – 14 days after the applicant is given an information notice.
- (6) Section 11 **Error! Reference source not found.** (Amendment, renewal or transfer of a permit) of this local law does not apply where a permit has been cancelled pursuant to section 12 (Cancellation of a permit) of this local law.

## **12 Cancellation or suspension of a permit**

- (1) The local government may cancel or suspend a permit where—
  - (a) the holder of the permit agrees to the cancellation or suspension; or
  - (b) the cancellation or suspension is necessary to prevent—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) a nuisance; or
  - (c) the holder of the permit contravenes—
    - (i) this local law; or
    - (ii) a condition of a permit; or
    - (iii) a requirement of a compliance notice; or
  - (d) the operation of the permit regulated activity does not comply with—
    - (i) the provisions of a Local Government Act that regulate the operation of the permit regulated activity; or

- (ii) the minimum standards; or
  - (e) the permit was granted on the basis of false, misleading or incomplete information; or
  - (f) changes in circumstances, as specified by a subordinate local law, since the permit was granted make the continued operation of the permit inappropriate; or
  - (g) another permit or approval required to undertake the activity under another law has been suspended or cancelled.
- (2) If the local government is satisfied it is necessary to cancel or suspend a permit, other than with the agreement of the holder of the permit under section 12(1)(a), the local government must—
- (a) before taking the proposed action, give the holder of the permit a written notice (a show cause notice) stating—
    - (i) the proposed action and the reasons for the proposed action; and
    - (ii) if the local government proposes to suspend the permit – the proposed period of suspension; and
    - (iii) that the holder of the permit may make written representations to the local government about the proposed cancellation or suspension; and
    - (iv) the time (at least 15 business days after the notice is given to the holder of the permit) within which written representations may be made; and
  - (b) consider any written representations made by the holder of the permit within the time stated in the notice.
- (3) After considering any written representation made by the holder of the permit the local government must give to the holder of the permit—
- (a) if the local government is not satisfied that the cancellation or suspension is necessary – a written notice stating it has decided not to cancel the permit; or
  - (b) if the local government is satisfied that the cancellation or suspension is necessary – a written notice stating it has decided to cancel or suspend the permit.
- (4) Before the local government cancels or suspends a permit under section 12(3) (Cancellation or suspension of a permit) of this local law, the local government must consider the impact of the cancellation or suspension

of the permit on those persons who would be affected by the permit regulated activity ceasing to be operated.

- (5) The cancellation or suspension of the permit takes effect from the day the written notice was given to the holder of the permit.
- (6) Where the local government has cancelled or suspended a permit, the holder of the permit must cease to operate the permit regulated activity from the date the cancellation or suspension takes effect under subsection (5).

Maximum penalty for subsection (6)—50 penalty units.

## **12A Procedure for immediate suspension of a permit**

- (1) Despite section 12 (Cancellation or suspension of a permit), the local government may immediately suspend a permit if the local government believes that continuation of the activity by the permit holder poses—
  - (a) an urgent and serious threat to public health or safety; or
  - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) The suspension—
  - (a) can be effected only by the local government giving a notice to the permit holder about the decision to immediately suspend the permit, together with a notice about proposed action under section 12(2); and
  - (b) operates immediately the notices are given to the permit holder; and
  - (c) continues to operate until the earliest of the following happens—
    - (i) the local government cancels the suspension;
    - (ii) the local government gives the permit holder notice under section 12(3) of its decision after it has considered all submissions made within the stated time;
    - (iii) 10 business days have passed since the expiry of the stated time for the making of written submissions; or
    - (iv) 10 business days have passed since the permit holder notifies the local government that it has made its final written submissions.

## **13 General compliance provision**

- (1) The holder of a permit must ensure that the conditions of the permit are complied with.



Maximum penalty for subsection (1)–

- (a) for first offence– 20 penalty units.
  - (b) for second offence in a 2 year period – 30 penalty units.
  - (c) for third or further offences in a 2 year period – 50 penalty units.
- (2) The holder of a permit and any person acting under the permit must ensure that the undertaking of the permit regulated activity—
- (a) does not result in harm to human health or safety or personal injury; and
  - (b) does not result in property damage or a loss of amenity; and
  - (c) does not result in a nuisance; and
  - (d) complies with the minimum standards.

Maximum penalty for subsection (2)—

- (i) for first offence in– 20 penalty units.
- (ii) for second offence in a 2 year period – 30 penalty units.
- (iii) for third or further offences in a 2 year period – 50 penalty units.

## **Part 3      Enforcement**

### **14      Compliance notice**

- (1) The local government may give a compliance notice to a person in relation to a contravention of this local law.<sup>6</sup>
- (2) A person to whom the compliance notice is given must comply with the compliance notice.

Maximum penalty for subsection (2) – 50 penalty units.

### **15      Section not used**

### **16      Inspection of activities**

- (1) An authorised person may inspect the undertaking of a permit regulated activity or an exempt permit regulated activity and any vehicle, equipment,

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<sup>6</sup> See section 30 of *Local Law No. 1 (Administration) 2013*.  
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animal, plant or thing involved in the undertaking of the permit regulated activity or activity to establish whether there is compliance with<sup>7</sup>—

- (a) the requirements of this local law; and
  - (b) the minimum standards; and
  - (c) the conditions of the permit; and
  - (d) the requirements of a compliance notice; and
- (2) An authorised person may direct the person undertaking the permit regulated activity or activity to produce for inspection<sup>8</sup>—
- (a) the permit granted by the local government; and
  - (b) any records that are required to be kept as a condition of the permit, or as a requirement of the minimum standards or as specified in a subordinate local law and may take copies of or extracts from those records; and
  - (c) any vehicle, equipment, animal, plant or thing involved in the undertaking of the permit regulated activity or activity; and
  - (d) any inspection, monitoring or management programs required to be kept as a condition of the permit or as a requirement of the minimum standards or as specified in a subordinate local law.
- (3) An authorised person may measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected pursuant to section 16(Inspection of activities) of this local law<sup>9</sup>.
- (4) The person who is undertaking the permit regulated activity must comply with—
- (a) a direction of an authorised person pursuant to section 16(2) (Inspection of activities) of this local law; and
  - (b) the terms of a periodic inspection, monitoring or management program in respect of the undertaking of the prescribed activity specified in a subordinate local law.

Maximum penalty for subsection (4) – 50 penalty units.

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<sup>7</sup> See the powers contained in Chapter 5, Part 2, Division 1 of the Act.

<sup>8</sup> See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

<sup>9</sup> See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.  
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## **17 Performance of work**

- (1) A person who commits an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence, including by repairing the damage or restoring any damaged structure, object or thing to its original standard.
- (2) The local government may perform the work<sup>10</sup> where a person has failed to perform the work required to be performed by—
  - (a) section 177(1) (Performance of work) of this local law; or
  - (b) a compliance notice issued under this local law.
- (3) The Court may order a person found guilty of an offence under this local law to—
  - (a) perform work required to be performed by—
    - (i) section 17(1) (Performance of work) of this local law; or
    - (ii) a compliance notice issued under this local law; or
    - (iii) a condition of a permit; or
    - (iv) a provision of this local law; or
  - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 17 (Performance of work) of this local law.

## **18 Power of entry and cost recovery**

- (1) If the work to be carried out by the local government under section 17 (Performance of work) is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work<sup>11</sup>—
  - (a) if the person who has failed to perform the work is the owner or occupier of the land; or
  - (b) if the entry is necessary for the exercise of the local government's jurisdiction.
- (2) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity.

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<sup>10</sup> See section 31 of *Local Law No. 1 (Administration) 2013*.

<sup>11</sup> See the powers contained in Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.  
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## **Part 4        Administrative provisions**

### **19        Executive officers must ensure the corporation complies with the local law**

- (1)    The executive officers of a corporation must ensure the corporation complies with this local law.
- (2)    If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty for subsection (2) – the penalty for the contravention of the relevant provision by an individual.

- (3)    Evidence that the corporation has been convicted of an offence against a provision of this local law or that the corporation has paid a penalty infringement notice issued in relation to a breach of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.
- (4)    However, it is a defence for an executive officer to prove—
  - (a)    if the officer was in a position to influence the conduct of the corporation in relation to the offence – the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
  - (b)    the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5)    This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

### **20        Liability of third parties**

- (1)    Any person involved in a contravention of this local law commits an offence.

Maximum penalty for subsection (1) – the penalty for which any person who committed the contravention would be liable.

- (2)    For the purposes of section 20(1) (Liability of third parties) of this local law, a person involved in a contravention of this local law is any person who—
  - (a)    has aided, abetted, counselled or procured the contravention; or
  - (b)    has induced, whether by threats or promises or otherwise, the contravention; or

- (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
- (d) has conspired with others to effect the contravention; or
- (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

## **21 Attempts to commit offences**

- (1) A person who attempts to commit an offence under this local law commits an offence.

Maximum penalty for subsection (1) – half the maximum penalty for committing the offence.

- (2) The provisions of the Criminal Code (relevant to attempts to commit offences) apply to the attempt.

### **21A Defence**

It is a defence to any breach of or non-compliance with a provision contained in this local law if a person has a lawful excuse or defence.

*Example—*

It is a defence to any breach or non-compliance of any provision contained in a local law if a person was not criminally responsible in accordance with Chapter 5 (Criminal Responsibility) of the Criminal Code.

## **Part 5 Subordinate local laws**

### **22 Subordinate local laws**

The local government may make a subordinate local law with respect to -

- (a) the assessment criteria for deciding an application for a permit for the operation of a permit regulated activity pursuant to the Schedule (Dictionary) of this local law; and
- (b) an activity as a permit regulated activity pursuant to the Schedule (Dictionary) of this local law; and
- (c) the minimum standards with which the undertaking of a permit regulated activity must comply pursuant to the Schedule (Dictionary) of this local law; and
- (d) any minimum standards for the purposes of section 5A (Minimum standards for permit regulated activity) of this local law; and

- (e) a permit regulated activity in respect of the operation of which a person is not required to hold a permit pursuant to section 5B(3) (Offence to undertake permit regulated activity without permit) of this local law; and
- (f) the information that must accompany an application for a permit pursuant to section 6(1)(c)(v) (Application for a permit) of this local law; and
- (g) the circumstances in which the local government may waive the requirements of section 6 (Application for a permit) of this local law pursuant to section 6(4)(c) (Application for a permit) of this local law; and
- (h) the term of a permit pursuant to section 8(1) (Term of a permit) of this local law; and
- (i) the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit pursuant to section 9(3) (Conditions of a permit) of this local law; and
- (j) the changes in circumstances since a permit was granted that make the continued operation of the permit inappropriate pursuant to section 12(1)(f) (Cancellation or suspension of a permit) of this local law; and
- (k) the records that are required to be kept pursuant to section 16(2)(b) (Inspection of activities) of this local law; and
- (l) the terms of a periodic inspection, monitoring or management program in respect of the operation of a permit regulated activity pursuant to section 16(2)(d) or (4)(b) (Inspection of activities) of this local law.

## **Part 6      Transition, Savings and Repeals**

### **23      Existing Permits**

Any person who immediately before the commencement of this local law held a permit under any local law to undertake an activity which is now a permit regulated activity is taken to be a holder of a permit under this local law to undertake that activity.

## Schedule      Dictionary

section 3

**approval** has the meaning given in *Local Law No. 1 (Administration) 2013*.

**assessment criteria** means the criteria, if any, specified in a subordinate local law for deciding an application for a permit for the undertaking of a permit regulated activity.

**authorised person** means a person authorised by the local government pursuant to *Local Law No. 1 (Administration) 2013*.

**compliance notice** means the written notice given pursuant to section 14 (Compliance notice) of this local law.

**corporation** means a corporation as defined in the *Corporations Act 2001* (Cth) and includes an association as defined in the Associations Incorporation Act 1981.

**court** means the court of law which has jurisdiction to deal with offences under this local law.

**executive officer** of a corporation means a person who is concerned with, or takes part in, the corporation's management whether or not the person is a director or the person's position is given the name of executive officer.

**local government** means Ipswich City Council.

**Local Government Act** has the meaning given to the term Local Government Act in the Act and includes approvals granted pursuant to a Local Government Act.

**local government area** has the meaning given in the Act.

**local law** has the meaning in the Act, section 26, and includes a subordinate local law.

**minimum standards** means the standards specified in a subordinate local law with which the operation of a permit regulated activity or other prescribed activity must comply.

**nuisance** has the meaning given in *Local Law No. 8 (Nuisances and Community Health and Safety) 2013*.

**occupier** of premises means the person who has the control or management of the premises.

**operating** a permit regulated activity includes carrying out, providing, performing, undertaking or otherwise engaging in any activity in respect of the permit regulated activity.

**owner** means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

**perform work** includes take action to comply with a Local Government Act and includes work required to be performed pursuant to a compliance notice or a condition of a permit.

**permit** means a permit which has been granted pursuant to section 7 (Grant of a permit) of this local law which—

- (a) has not expired pursuant to section 8(2) (Term of a permit) of this local law; or
- (b) has not been cancelled or suspended pursuant to section 12 (Cancellation or suspension of a permit) of this local law.

**permit regulated activity** see section 5A.

**premises** see the *Planning Act 2016*, schedule 2.

**prescribed fee** means a fee prescribed by the local government. prescribed form means the form prescribed by the local government. road means —

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b) where that act requires such agreement.

**the Act** means the *Local Government Act 2009*.



## Endnotes

### 1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

### 2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

### 3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
-----	-------------

amd	= amended
-----	-----------

ch	= chapter
----	-----------

def	= definition
-----	--------------

div	= division
-----	------------

hdg	= heading
-----	-----------

ins	= inserted
-----	------------

om	= omitted
----	-----------

p	= page
---	--------

pt	= part
----	--------

renum	= renumbered
-------	--------------

rep	= repealed
-----	------------

s	= section
---	-----------

sch = schedule

sdiv = subdivision

## **4 Table of reprints**

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law – no amendments

## **5 List of Legislation**

### **Original Local Law**

*Local Law No. 4 (Permits) 2013*

date of gazettal 5 July 2013

## **6 List of annotations**