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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 it's own process for making a local law. The purpose of this policy is to define the process publically 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.

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.

- Step 1 - By resolution, propose to incorporate the model local law.
- Step 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.
- Step 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.
- Step 4 - By resolution, incorporate the model local law.
- Step 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*.
- Step 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.
- Step 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.
- Step 8 - Update the register of local laws.

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—

- (a) a local law that incorporates a model local law; or
- (b) an interim local law; or
- (c) a subordinate local law.
- Step 1 — By resolution, Council proposes to make the proposed local law.
- Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.
- Step 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 6 without satisfying step 3 or step 5.
 - Step 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 3, and this step 4, may be undertaken contemporaneously.
 - Step 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.
 - Step 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 3; and
 - accept and consider every submission properly made to the local government at step 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.
 - Step 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*.
 - 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 at Council’s Customer Service Centre’s and available on Council’s website.
 - Step 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.
 - Step 10— Update the local government’s register of its local laws.

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).

- Step 1 — By resolution, Council proposes to make the proposed interim local law and its expiry date.
- Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.
- Step 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 2, and this step 3, may be undertaken contemporaneously.
- Step 4 - By resolution, decide whether to—
 - make the proposed interim local law with or without amendments; or
 - not proceed with the making of the proposed interim local law.
- Step 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*.
- Step 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.
- Step 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.
- Step 8 — Update the local government's register of its local laws.

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 steps 1 to 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 step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 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.
- Step 1 — Council, by resolution, proposes to make the proposed subordinate local law.
- Step 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 5 without satisfying any of step 2 to step 4 inclusive.
- Step 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 2, and this step 3, may be undertaken contemporaneously.
- Step 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
 - 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.
- Step 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 2; and
 - accept and consider every submission properly made to the local government at step 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.
- Step 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.
- Step 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’s and available on Council’s website.
- Step 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.
- Step 9 — Update the local government’s register of its local laws.

3. Strategic Plan Links

This policy relates to the following themes in Advance Ipswich.

- Listening, Leading and Financial Management

4. Regulatory Authority

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

5. Scope

This policy applies to the making of—

- (i) each local law that incorporates a model local law; and
- (ii) each local law that is a subordinate local law; and
- (iii) each other local law; and
- (iv) an interim local law.

6. 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

7. 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.

8. 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

9. 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.

10. 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.