



Local Law No. 2

(Administration) 2010

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S. Trinca
Chief Executive Officer



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Logan City Council Local Law No. 2 (Administration) 2010

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 2 (Administration) 2010*.

2 Object

The object of this local law is to provide a legal framework for the administration, implementation and enforcement of the local government's local laws and subordinate local laws.

3 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) defines particular words used in this local law.

4 Application of local law

(1) This local law applies to—

- (a) *Local Law No. 3 (Libraries) 2003*, and its subordinate local laws;
- (b) *Local Law No. 4 (Animal Management) 2002*, and its subordinate local laws;
- (c) *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, and its subordinate local laws;
- (d) *Local Law No. 6 (Smoke Free Places) 2015*, and its subordinate local laws;
- (e) *Local Law No. 7 (Parking) 2003*, and its subordinate local laws;
- (f) *Local Law No. 8 (Waste Management) 2018*, and its subordinate local laws;
- (g) *Local Law No. 9 (Licensing) 1999*, and its subordinate local laws;
- (h) *Local Law No. 10 (Public Health) 1999*, and its subordinate local laws;
- (i) *Local Law No. 11 (Roads) 1999*, and its subordinate local laws;

- (j) *Local Law No. 12 (Council Property and Other Public Places) 2003*, and its subordinate local laws;
 - (k) *Local Law No. 13 (On-Site Sewerage Facilities Operation and Servicing) 2012*, and its subordinate local laws; and
 - (l) *Local Law No 14 (Cemeteries) 2011*, and its subordinate local laws.
- (2) This local law does not apply to a State-controlled road unless the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994* has given written approval to the local government to exercise all or any of the powers under this local law in respect of the State-controlled road.

Part 2 Applications and approvals

5 Requirements of an application

- (1) An application for approval of a proposal must be made in the prescribed form.
- (2) The application must be accompanied by—
 - (a) the prescribed fee; and
 - (b) information, documents and materials required under the relevant local law; and
 - (c) such further information, documents or materials required by the local government or specified in a subordinate local law.
- (3) The local government may waive the requirements of section 5 (Requirements of an application) of this local law—
 - (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirement; or
 - (c) in the circumstances specified in a subordinate local law.

6 Determination of an approval

- (1) If a local government has power under a local law to approve an application, the local government may—
 - (a) approve the application unconditionally; or
 - (b) approve the application subject to conditions; or
 - (c) refuse to approve the application.

Example—

If a proposal for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.

- (2) However, the local government's powers are subject to the provisions of the local law and any relevant subordinate local law, and the local government must, in deciding how to exercise its power, have regard to the criteria stated in the relevant local law or subordinate local law.

7 Proposals requiring multiple approvals

- (1) If a proposal involves multiple approvals the local government must, if practicable, deal with the subjects on which its approval is required together.
- (2) If the local government decides that an application should be refused on a particular aspect of a proposal for which multiple approvals are required, it may refuse other applications required for the proposal even though other aspects of the proposal for which approval is required may be acceptable to the local government.

8 Certification of specified matters

- (1) A local law may provide that a specified matter is subject to certification by a person specified by the local government.
- (2) If a local law provides that a matter is subject to certification by a person specified by the local government, the local government may accept the certificate from a person with recognised qualifications in the relevant field as evidence that—
 - (a) a proposal complies with the requirements of the local law; or
 - (b) a proposal for which approval has been given by the local law has been carried out in accordance with the requirements of the local law.

Example—

A local law might provide that a proposal to carry out blasting operations may be approved by the local government if it complies with specified technical requirements. In this case, the local government would, if compliance were made subject to certification by a person specified by the local government, be entitled to accept the certificate from a person with recognised qualifications in blasting operations as evidence that the proposal complies with the specified requirements.

9 Power to change the conditions of an approval

- (1) The local government may amend a condition on which its approval has been given under a local law if the amendment is necessary to—¹

¹ A change to the conditions of an approval includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

- (a) prevent harm to human health or safety or personal injury; or
 - (b) prevent property damage or a loss of amenity; or
 - (c) prevent environmental harm or environmental nuisance; or
 - (d) prevent a nuisance; or
 - (e) ensure that the proposal complies with the Local Government Acts and local laws that regulate the proposal.
- (2) This section does not limit the power a local government may have apart from this section to amend a condition of an approval.

10 Cancellation or suspension of approvals

- (1) A local government may cancel or suspend an approval—
- (a) in the circumstances specified in section 9 (Power to change the conditions of an approval) of this local law; or
 - (b) for contravention of a condition of the approval.
- (2) A power given under a local law to cancel an approval includes a power to suspend the approval for a period determined by the local government.

11 Records of approvals

The local government must maintain a record of an approval given under a local law.

12 Fraud and unlawful possession of an approval

- (1) A person shall not—
- (a) in any application, notice or other document made or given to the local government or to an authorised person make a statement that to the person's knowledge is false; or
 - (b) by a false statement or representation obtain or attempt to obtain an approval; or
 - (c) furnish any information that to the person's knowledge is false or misleading with respect to particulars required to be furnished in connection with an application for an approval; or
 - (d) forge (within the meaning of the *Criminal Code*) an approval.

Maximum penalty for subsection (1) – 165 penalty units.

- (2) A person shall not have in the person's possession (without reasonable cause for so doing)—
- (a) any article resembling an approval and calculated to deceive; or
 - (b) any document that was formerly an approval but that is void, cancelled, surrendered or expired.

Maximum penalty for subsection (2) – 165 penalty units.

- (3) A person shall not—
- (a) use an approval unless it is an approval duly issued to the person; or
 - (b) lend an approval duly issued to the person to another person for use by that other person; or
 - (c) permit or suffer to be used by another person an approval duly issued to that person.

Maximum penalty for subsection (3) – 165 penalty units.

- (4) Unless authorised by or under this local law a person shall not make or cause, permit or allow to be made any endorsement (other than the person's signature) or any addition or alteration or erasure whatsoever on or from any approval.

Maximum penalty for subsection (4) – 165 penalty units.

- (5) An approval in respect to which any act or attempted act referred to in this section has been done shall be null and void.

Part 3 Legal proceedings

Division 1 Evidentiary Aids

13 Evidentiary provisions

- (1) The appointment of an authorised person or the authority of an authorised person to do an act under a local law must be presumed unless a party, by reasonable notice to the local government, requires proof of these matters.
- (2) A signature purporting to be the signature of the chief executive officer or an authorised person is evidence of the signature it purports to be.
- (3) A certificate purporting to be signed by the chief executive officer stating that a stated person is or was an authorised person at a time, or during a stated period, is evidence of the matter stated in the certificate.

- (4) A certificate purporting to be signed by the chief executive officer stating any of the following matters is evidence of the matter—
- (a) a stated document is an appointment or a copy of an appointment; or
 - (b) a stated document is a copy of a notice, direction, decision, order, approval or other instrument issued or given under a local law; and
 - (c) on a stated day, or during a stated period, a stated person was or was not the holder of an approval or other instrument issued or given under a local law; and
 - (d) an approval or other instrument—
 - (i) was or was not issued or given for a stated term; or
 - (ii) was or was not in force on a stated day or during a stated period; or
 - (iii) was or was not subject to a stated condition; and
 - (e) on a stated day, an approval was suspended for a stated period or cancelled; and
 - (f) on a stated day, the conditions of an approval were changed; and
 - (g) on a stated day, a stated person was given a stated notice, direction or order under a local law; and
 - (h) a stated document is a copy of a part of a register kept under a local law; and
 - (i) a stated amount is payable under a local law by a stated person and has not been paid; and
 - (j) that a stated method of storage, preservation, handling or transportation of a sample taken under a local law has not materially affected the attributes of the sample; and
 - (k) another matter specified in a subordinate local law.
- (5) In a complaint starting a proceeding, a statement that the matter of the complaint came to the complainant's knowledge on a stated day is evidence of the matter.
- (6) A certificate purporting to be signed by an analyst stating any of the following matters is evidence of the matter—
- (a) the analyst received from a stated person the sample mentioned in the certificate; and

- (b) the analyst analysed the sample on a stated day and at a stated place; and
 - (c) the results of the analysis and the interpretation of the analysis results.
- (7) Any instrument, equipment or installation that is used by an authorised person or an analyst is taken to be accurate and precise in the absence of evidence to the contrary.
- (8) In a proceeding in which the local government applies to recover the costs and expenses incurred by it, a certificate by the chief executive officer stating that stated costs and expenses were incurred and the way and purpose for which they were incurred is evidence of the matters stated.
- (9) In a proceeding for an offence against a local law, proof of any exemption from any provision of a local law shall be upon the person who seeks to rely on the exemption.
- (10) In a proceeding for an offence against a local law, where the age of any person is material, the court may decide upon its own view and judgment, whether any person charged or present before it has or has not attained any prescribed age, but nothing herein shall be construed to prevent the age of that person being proven.

14 Responsibility for acts or omissions of representatives

- (1) If in a proceeding for an offence against a local law it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—
- (a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the state of mind.
- (2) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken in a proceeding for an offence against a local law to have been done or omitted to be done also by the person unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.

15 Joint and several liability

- (1) If a local law imposes a liability on an owner of property, or a person engaged in a particular activity, and 2 or more persons are the owners of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

Division 2 Defences

16 Defence

It is a defence to any breach or non-compliance of any provision contained in a 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.

17 General defence of owners

If a local law makes the owner of property guilty of an offence if a particular act or omission happens with respect to the property it is a defence for the owner of the property to prove that—

- (a) the act or omission happened without the owner's knowledge or consent; and
- (b) the owner could not, by reasonable diligence, have prevented the act or omission.

Division 3 Rewards

18 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by the local government.

Division 4 Costs

19 Recovery of costs of investigation

- (1) The court may order a person to pay to the local government the reasonable costs and expenses incurred by the local government in conducting an investigation of an offence under a local law, if—

- (a) the person is convicted of an offence against a local law; and
 - (b) the court convicting the person finds the local government has reasonably incurred costs and expenses in taking a sample or conducting an inspection, test, measurement or analysis during the investigation of the offence; and
 - (c) the local government applies for an order against the person for the payment of the costs and expenses; and
 - (d) the court is satisfied it would be just to make the order in the circumstances of the particular case.
- (2) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

Division 5 Service of legal instruments

20 Service of legal instruments

- (1) The local government may give or serve a legal instrument to or upon—
- (a) a person by—
 - (i) delivering the legal instrument to the person; or
 - (ii) leaving the legal instrument at the person's address for service; or
 - (iii) forwarding the legal instrument by post in a prepaid letter addressed to the person; or
 - (iv) forwarding the legal instrument by post in a registered letter addressed to such person at the person's address for service; or
 - (b) a person in that person's capacity as the owner or occupier of premises by—
 - (i) delivering the legal instrument to the person; or
 - (ii) delivering a copy of the legal instrument to some person at the premises; or
 - (iii) fixing a copy of the legal instrument on some conspicuous part of the premises if there is no person on the premises to whom the legal instrument can be given or served; or
 - (c) a person in that person's capacity as the owner of property (other than premises) by—

- (i) delivering the legal instrument to the person; or
 - (ii) delivering a copy of the legal instrument to some person who is in control of the property; or
 - (iii) fixing a copy of the legal instrument on some conspicuous part of the property if there is no person in control of the property to whom the legal instrument can be given or served.
- (2) If the local government has given or served a legal instrument on a person pursuant to section 20(1) (Service of legal instruments) of this local law, it shall be sufficient proof that the legal instrument has been given or served to or upon the person, for an officer of the local government to—
 - (a) in the case of a legal instrument given or served to or upon a person pursuant to section 20(1)(a)(iii) (Service of legal instruments) of this local law—
 - (i) produce a copy of the legal instrument; and
 - (ii) give oral testimony that the legal instrument was properly stamped and addressed and put into the post; and
 - (b) in the case of a legal instrument given or served to or upon a person pursuant to section 20(1)(a)(iv) (Service of legal instruments) of this local law—
 - (i) produce a receipt purporting to be the registered receipt of the registered letter; and
 - (ii) give oral testimony as to the contents of the registered letter; and
 - (c) in all other cases—
 - (i) produce a copy of the legal instrument; and
 - (ii) give oral testimony as to the manner in which the legal instrument was given or served to or upon the person.
- (3) A legal instrument shall be deemed to have been properly given or served to or upon the owner or occupier of property if—
 - (a) the legal instrument is required to be given or served to or upon the owner or occupier of the property; and
 - (b) the name of the owner or occupier of the property is not known; and

- (c) the legal instrument is addressed to the owner or occupier of the property by the description of the “owner” or “occupier” of the property in question (naming them) and without further name or description; and
 - (d) the legal instrument is given or served to or upon the person in accordance with section 20(1) (Service of legal instruments) of this local law.
- (4) A legal instrument forwarded by post in a prepaid letter shall be deemed to have been given or served to or upon the person at the last moment of the day of which the same ought to be delivered at its destination in the ordinary course of the post.

Part 4 Powers of council officers and local government

Division 1 Appointment of council officers under local law

21 Appointment

- (1) The local government may appoint a person to a position provided for under a local law where that person possesses or has access to a person with appropriate expertise or qualifications in respect of the powers to be exercised by a person in that position.
- (2) An appointment made by the local government may be general or subject to limitations stated in the appointment.

Example—

A person may be authorised to exercise the powers of an authorised person under a particular local law but only in relation to a particular public place.

- (3) A person appointed by the local government to a position provided for under a local law is authorised by the local government to exercise the powers attaching to that position under the local law unless otherwise stated in the appointment.

22 Identity cards

- (1) This section does not apply to the circumstances under a Local Government Act where an identity card must be given.
- (2) The local government may issue an identity card to a person appointed to a position provided for under a local law.
- (3) A person must return any identity card and instrument of appointment to the local government as soon as practicable after the termination of their appointment.

23 Production of identity cards

- (1) A person exercising a power under a local law must produce for inspection their identity card at the first reasonable opportunity.
- (2) The production of an identity card shall be evidence of the appointment of that person.

Division 2 Assessment of applications

24 Assessment of proposals

Before the local government decides an application, an authorised person may—

- (1) inspect any premises, vehicle, equipment, animal, plant or thing to be involved in the proposal; and
- (2) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.

Division 3 Investigation and enforcement

25 False, misleading or incomplete documents

- (1) A person must not give to the local government or a council officer a document containing information that the person knows is false, misleading or incomplete in a material particular.

Maximum penalty for subsection (1) – 165 penalty units.

- (2) Section 25(1) (False, misleading or incomplete documents) of this local law does not apply to a person who, when giving the document—
 - (a) informs the local government or a council officer of the extent to which the document is false, misleading or incomplete; and
 - (b) gives the correct information to the local government or a council officer if the person has, or can reasonably obtain, the correct information.
- (3) A complaint against a person for an offence against section 25(1) (False, misleading or incomplete documents) of this local law is sufficient if it states that the document was false, misleading or incomplete to the person's knowledge.

26 False, misleading or incomplete information

- (1) A person must not—
 - (a) state anything to a local government or a council officer that the person knows is false, misleading or incomplete in a material particular; or

- (b) omit from a statement made to a local government or a council officer anything without which the statement is, to the person's knowledge, false, misleading or incomplete in a material particular.

Maximum penalty for subsection (1) – 165 penalty units.

- (2) A complaint against a person for an offence against section 26(1)(a) or (b) (False, misleading or incomplete information) of this local law is sufficient if it states that the statement made was false, misleading or incomplete to the person's knowledge.

27 Production of documents

A person who is required under a local law to produce a document must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty – 50 penalty units.

28 Production of approval

- (1) A council officer may ask a person apparently acting under an approval to produce the approval immediately for inspection.
- (2) The person must produce the approval, unless the person has a reasonable excuse for not producing it.

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

29 Analysis of samples

- (1) The local government may have a sample taken by a council officer under a local law analysed.
- (2) A person must not, with intent to adversely affect the analysis of a thing—
 - (a) tamper with the thing before a council officer takes a sample of the thing for analysis; or
 - (b) tamper with a sample of a thing after it is taken by a council officer for analysis.

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

- (3) If a particular method of analysis has been specified under a local law, the local government must follow the method.
- (4) The local government must obtain from the analyst a certificate or report stating the results of the analysis and the interpretation of the analysis results.

Division 4 General powers of direction

30 Direction to leave and to not re-enter a public place

- (1) If a council officer reasonably believes a person on or at a public place (other than a road) is contravening or has contravened a provision of a local law, the council officer may direct the person either in writing or orally to do either or both of the following—
 - (a) leave the public place;
 - (b) not re-enter the public place for a period of—
 - (i) if the council officer reasonably believes that the contravention is of a serious nature—not more than 30 days; or
 - (ii) otherwise—not more than 3 days.
- (2) A direction to not re-enter under subsection (1)(b) may be given after the person has left the public place, whether pursuant to a direction to leave under subsection (1)(a) or not.

Example for subsection (2)—

If a person leaves a public place as a result of a direction by a police officer, a council officer may direct the person to not re-enter the public place pursuant to subsection (1)(b).
- (3) If the council officer is satisfied that the contravention is of a serious nature—
 - (a) the direction given to a person under subsection (1) may also direct the person to not enter one or more other public places (other than a road);
 - (b) the effect of subsection (8) is taken to include the cancellation of any approval held by the person in respect of the other public place(s); and
 - (c) the requirement in subsection (7) to not re-enter the public place is taken to include a requirement to not enter the other public place(s).
- (4) Sub-section (3) does not apply if the person given the direction is a child.
- (5) Without limiting subsection (1)(b)(i) or subsection (3), a contravention is taken to be of a serious nature if—
 - (a) any of the circumstances in section 31(7) apply; or
 - (b) the person failed to comply with the direction to leave given pursuant to subsection (1)(a).
- (6) A person given a direction under subsection (1)(a) must leave the public place immediately unless the person has a reasonable excuse.

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

- (7) A person given a direction under subsection (1)(b) must comply with the direction unless the person has a reasonable excuse.

Maximum penalty for subsection (7) – 50 penalty units.

- (8) An approval in respect of the public place held by a person who is given a direction under subsection (1) is cancelled.
- (9) For this section, ‘council officer’ includes a manager within the meaning of *Subordinate Local Law No. 12.4 (Community and Major Venues)* and *Subordinate Local Law No. 12.8 (Aquatic Centres)*.
- (10) A direction under subsection (1)(b) may be given subject to such conditions the council officer considers appropriate, including about:
- (a) the extent of the public place the person must not re-enter;
 - (b) re-entry for a specific purpose; or
 - (c) re-entry at the end of the period.
- (11) If a direction under subsection (1) is given to a child, the council officer must, as soon as reasonably practicable, notify a parent or adult guardian of the child unless a parent or adult guardian cannot be found after reasonable inquiry.

Note—

The power of a council officer to give a direction pursuant to this section does not exclude or limit the exercise of any other powers in respect of a contravention of a local law.

31 Exclusion from a public place

- (1) Before giving a person an exclusion notice under subsection (4), the local government must give the person a proposed exclusion notice in writing (a ***proposed exclusion notice***).
- (2) A proposed exclusion notice must state—
- (a) the name of the person to be excluded;
 - (b) a description of the public place or places or part of a public place or places from which the person is proposed to be excluded;
 - (c) the grounds for the proposed exclusion;
 - (d) the proposed period of exclusion;

- (e) that the person may make written representations to the local government about why the exclusion notice should not be given;
 - (f) the time, at least 14 days after the written notice is given to the person, within which the person may make the written representations.
- (3) The local government must decide whether to give an exclusion notice within 14 days after the last day a person may make written representations.
- (4) Subject to subsection (5), the local government may give written notice excluding a person from a public place or places or part of a public place or places for a period of more than 30 days on such conditions as the local government considers appropriate (an *exclusion notice*).
- (5) The local government may give an exclusion notice only if—
- (a) the local government reasonably believes a person has contravened a local law on or at a public place;
 - (b) the local government is satisfied the contravention is of a serious nature;
 - (c) the local government has given a proposed exclusion notice to the person;
 - (d) the local government has considered all written representations made by the person about the proposed exclusion within the period stated in the proposed exclusion notice;
 - (e) the local government is satisfied the exclusion is a reasonable means of ensuring—
 - (i) the protection of the public place or property at the public place; or
 - (ii) the safety of persons at the public place; or
 - (iii) the good order and management of the public place;
 - (f) if the person is a child—
 - (i) the period of exclusion is not more than 3 months;
 - (ii) the exclusion is from one public place only.
- (6) In determining whether an exclusion notice is a reasonable means under subsection (5)(e), the local government may take into account the following—
- (a) the nature and gravity of the person’s contravention of a local law;
 - (b) the likely impact of the exclusion notice on—

- (i) the person; and
 - (ii) any other person affected by the conduct that formed the basis of the contravention of a local law;
 - (c) whether the person has previously been the subject of an exclusion notice; and
 - (d) any other matter the local government considers relevant.
- (7) Without limiting subsection (5)(b), the following are each taken to be a contravention of a serious nature—
- (a) a contravention involving—
 - (i) actual, attempted or threatened harm to a person; or
 - (ii) harassment or bullying of a person; or
 - (iii) indecent behaviour; or
 - (iv) actual, attempted or threatened damage or misappropriation of property; or
 - (b) where the person has contravened a local law—
 - (i) three or more times within a period of six months; or
 - (ii) five or more times within a period of 12 months.
- (8) In counting the number of contraventions for the purpose of subsection (7)(b), if an exclusion notice has previously been given to the person, any contravention prior to the previous exclusion notice is not counted.
- (9) After deciding whether to give an exclusion notice under subsection (3) the local government must give the person:
- (a) if the local government decides to give an exclusion notice for the period of exclusion in the proposed exclusion notice or a lesser period – an exclusion notice; or
 - (b) a written notice stating that it has decided not to proceed with the exclusion the subject of the proposed exclusion notice.
- (10) An exclusion notice must state:
- (a) the name of the person excluded;
 - (b) a description of the public place or places or part of a public place or places from which the person is excluded;

- (c) the grounds on which the exclusion notice has been given;
 - (d) the period during which the person is excluded from entering the stated public place or public places or part of a public place or places;
 - (e) when the exclusion takes effect;
 - (f) any conditions to which the exclusion notice is subject under subsection (11);
 - (g) it is an offence to enter the stated public place or public places or part of a public place or places in contravention of the exclusion notice;
 - (h) the rights of review for the person to whom the exclusion notice is given.
- (11) Without limiting subsection (4), conditions the local government considers appropriate may be about:
- (a) allowing entry for a specific purpose during the period of exclusion; or
 - (b) entry at the end of the period of exclusion.
- (12) An exclusion notice takes effect from the later of:
- (a) the date it is given to the person; and
 - (b) if the exclusion notice states a later date – the later date.
- (13) A person must not contravene an exclusion notice, including any conditions.
- Maximum penalty for subsection (13) – 50 penalty units.
- (14) An approval in respect of the public place held by a person who is given an exclusion notice under this section is cancelled when the exclusion notice takes effect.
- (15) The local government may vary or revoke an exclusion notice by written application from the person to whom it applies if the local government is satisfied new facts or circumstances have arisen since the exclusion notice was given that make it appropriate for the exclusion notice to be varied or revoked.
- (16) After deciding whether to vary or revoke an exclusion notice under subsection (15) the local government must give the person:
- (a) if the local government is satisfied it is appropriate to vary the exclusion notice – a varied written exclusion notice which complies with subsection (10); or

- (b) if the local government is satisfied that an exclusion notice should be revoked – a written notice stating that the exclusion notice has been revoked; or
 - (c) if the local government is not satisfied that an exclusion notice should be varied or revoked – a written notice stating that the exclusion notice has not been varied or revoked.
- (17) A varied exclusion notice given under subsection (16)(a) is an exclusion notice for all purposes.
- (18) If a proposed exclusion notice or an exclusion notice is given to a child, the local government must, as soon as reasonably practicable, give a copy of the notice to a parent or adult guardian of the child unless a parent or adult guardian cannot be found after reasonable inquiry.

Note—

The power of the local government to give an exclusion notice pursuant to this section does not exclude or limit the exercise of any other powers in respect of a contravention of a local law.

32 Directions generally

- (1) A council officer may direct a person committing a breach of a local law to—
- (a) cease any conduct or activity which constitutes a breach of the local law; and
 - (b) take such action determined by a council officer to ensure that the person does not commit a breach of this local law.
- (2) A person must comply with a direction of a council officer made pursuant to this local law.

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

Division 5 Protection of council officers

33 Protection from liability

- (1) A council officer does not incur civil liability for an act or omission done honestly and without negligence under a local law.
- (2) A liability that would, apart from this section, attach to a council officer attaches instead to the local government.

34 Deception of a council officer

A person must not intentionally mislead or deceive a council officer in the

exercise of their authority under a Local Government Act.

Maximum penalty – 50 penalty units.

35 Attacking a council officer

A person must not threaten, verbally abuse or physically attack a council officer in the exercise of their authority under a Local Government Act.

Maximum penalty – 850 penalty units.

36 Use of offensive language or behaviour

A person must not in relation to a council officer acting in the exercise of their authority under a Local Government Act—

- (a) use language that is insulting or offensive; or
- (b) behave in an insulting or offensive manner.

Maximum penalty – 50 penalty units.

37 Impersonation of a council officer

A person must not pretend to be a council officer.

Maximum penalty – 50 penalty units.

Part 5 Miscellaneous

38 Notices

If a local law empowers a local government to issue a notice to a person requiring the person to do, or to refrain from doing, a particular act, the notice must set out—

- (a) the provisions of the local law under which the requirement is made; and
- (b) the time within which compliance is required; and
- (c) the consequences of contravention of the notice.

39 Charges

- (1) If a local law provides for the payment of a charge, and does not itself fix the amount of the charge, the charge may be fixed by a resolution of the local government.
- (2) A resolution fixing a charge may provide for the reimbursement of the charge in appropriate circumstances.

Example—

Suppose that a person pays a licence fee appropriate to a licence of 1 year's duration but, because of unforeseen circumstances, surrenders the licence within 3 months after it is granted. A resolution might provide that, in such a case, the former licensee is to receive a partial reimbursement of the licence fee.

- (3) Unless specific provision to the contrary is made in a local law or a resolution fixing a charge, the local government may, in an appropriate case, waive or partially remit a charge.

40 Unclaimed goods

- (1) The local government may, in accordance with this section, dispose of goods, other than a vehicle, that are left on a public place irrespective of whether the owner of the goods intended to relinquish ownership of the goods.
- (2) The local government may dispose of the goods—
 - (a) as the local government sees fit (including by private sale, destruction, restoring or giving away) if—
 - (i) the goods are perishable; or
 - (ii) the goods have no commercial value; or
 - (iii) the value of the goods is so slight that it would not cover the cost of sale; or
 - (iv) the goods cannot be sold at a public auction pursuant to section 40(2)(b) (Unclaimed goods) of this local law; or
 - (b) by public auction after a period of 1 month in the case of goods not specified in section 40(2)(a) (Unclaimed goods) of this local law.
- (3) If goods are to be sold at public auction, the local government must give public notice of the public auction at least 10 business days before the date of the proposed public auction.
- (4) A person to whom a good is sold under this section (whether by public auction or otherwise) gains a clear title to the good freed and discharged from the interests of others.
- (5) The local government must apply the proceeds of sale (by public auction or otherwise) in the following manner—
 - (a) first, towards the costs of the storage and sale of the goods; and
 - (b) secondly, into a fund established for the purpose.

- (6) If, within 6 months after the date of the sale, the former owner of the goods claims the proceeds of the sale of the goods, the net proceeds of the sale must be paid to the former owner but if no valid claim is made to the proceeds within that period, the local government may pay the proceeds of the sale into its general funds.
- (7) This section does not apply to the disposal of goods to the extent that there is an inconsistent provision in legislation (including a provision in a local law) dealing specifically with the disposal of goods of a particular class or type.

41 Confiscated goods

- (1) If the local government or an authorised person exercises a power under a local law to remove, confiscate or impound goods, other than a vehicle—
 - (a) the property in the goods vests in the local government; and
 - (b) the local government may dispose of the goods under this section.
- (2) The local government may dispose of the goods—
 - (a) as the local government sees fit (including by private sale, destruction, rehousing or giving away) if—
 - (i) the goods are perishable; or
 - (ii) the goods have no commercial value; or
 - (iii) the value of the goods is so slight that it would not cover the cost of sale; or
 - (iv) the goods cannot be sold at a public auction pursuant to section 41(2)(b) (Confiscated goods) of this local law; or
 - (v) the keeping of the goods is causing or is likely to cause a nuisance or a hazard; or
 - (vi) the goods are of a type specified in a subordinate local law; or
 - (b) by public auction after a period of 1 month in the case of goods not specified in section 41(2)(a) (Confiscated goods) of this local law.
- (3) If goods are to be sold at public auction, the local government must give public notice of the public auction at least 10 business days before the date of the proposed public auction.
- (4) A person to whom goods are sold under this section (whether by public auction or otherwise) gains a clear title to the goods freed and discharged from the interests of others.

42 Disposal of a vehicle

- (1) If the local government or an authorised person exercises a power under a local law to remove, confiscate or impound a vehicle the local government may dispose of the vehicle under this section.
- (2) If a vehicle that is removed, confiscated or impounded pursuant to section 42(1) (Disposal of a vehicle) of this local law is deemed by the local government or an authorised person to fall within the categories specified in section 42(5)(a)(i) or (ii) (Disposal of a vehicle) of this local law—
 - (a) the local government or an authorised person is not required to follow the procedure specified in section 42(3) and (4) (Disposal of a vehicle) of this local law in respect of the vehicle; and
 - (b) the property in the vehicle vests in the local government; and
 - (c) the vehicle may be disposed of in accordance with section 42(5) (Disposal of a vehicle) of this local law.
- (3) A written notice, complying with section 42(4) (Disposal of a vehicle) of this local law, must be—
 - (a) where the owner of the vehicle can be ascertained, given to the owner of the vehicle within 14 days from the date of removal of the vehicle; or
 - (b) where the owner of the vehicle cannot be ascertained, given by advertisement on the local government's website within 14 days from the date of removal of the vehicle.
- (4) For the purposes of section 42(3) (Disposal of a vehicle) of this local law, the written notice must contain—
 - (a) a description of the vehicle including, where possible, the vehicle registration number; and
 - (b) the date of the removal, confiscation or impounding of the vehicle; and
 - (c) a description of the location from which the vehicle was removed, confiscated or impounded; and
 - (d) the reasons for the removal, confiscation or impounding of the vehicle; and
 - (e) a description of the place at which the vehicle is being detained; and
 - (f) a statement that the owner of the vehicle must provide to the local government sufficient evidence of the owner's entitlement to the vehicle within 1 month of the date of the written notice in order to claim the return of the vehicle; and

- (g) the address of the public office of the local government at which a claim for the return of the vehicle may be made; and
 - (h) a statement that if a successful claim is not made for the return of the vehicle within 1 month of the date of the written notice that the vehicle may be disposed of by the local government in accordance with section 42(5) (Disposal of a vehicle) of this local law.
- (5) Subject to section 42(2) (Disposal of a vehicle) of this local law, if a successful claim for the return of a vehicle is not made in accordance with the time period contained in the written notice given in accordance with section 42(3) (Disposal of a vehicle) of this local law, then the property in the vehicle vests in the local government and the local government may dispose of the vehicle—
- (a) as the local government sees fit (including by private sale, destruction, rehousing or giving away) if—
 - (i) the vehicle has no commercial value; or
 - (ii) the value of the vehicle is so slight that it would not cover the cost of sale; or
 - (iii) the vehicle cannot be sold at a public auction pursuant to section 42(5)(b) (Disposal of a vehicle) of this local law; or
 - (iv) the keeping of the vehicle is causing or is likely to cause a nuisance or a hazard; or
 - (b) by public auction in the case of a vehicle not specified in section 42(5)(a) (Disposal of a vehicle) of this local law, after posting a notice on the local government’s website of the public auction at least 10 business days before the date of the proposed public auction.
- Example of paragraph (a)(i) and (ii)—*
- a burnt out vehicle; or
 - a vehicle without an engine; or
 - a vehicle that has been severely damaged; or
 - a vehicle that has been stripped of parts or wrecked; or
 - a vehicle that is dilapidated or rusted throughout.
- (6) The proceeds of the sale or disposal of the vehicle must be applied as follows—
- (a) firstly, in payment of the expense of the sale or disposal; and

- (b) secondly, in payment of the cost of removal and detention of the vehicle and the service and advertisement of the written notice under section 42(3) (Disposal of a vehicle) of this local law; and
 - (c) thirdly, in payment of the balance of the proceeds to the owner of the vehicle or, if after reasonable inquiry, the owner cannot be ascertained, into the general fund of the local government.
- (7) The local government may deal with any goods, equipment or thing contained in, on or about the vehicle at the time of its removal, confiscation or impounding in the same manner as it may deal with the goods pursuant to section 41 (Confiscated goods) of this local law.
- (8) A person may make a successful claim for the return of the vehicle removed, confiscated or impounded under section 42 (Disposal of a vehicle) of this local law if the claimant—
 - (a) is the owner, a person acting on the owner’s behalf or a person claiming a right to possession of the vehicle; and
 - (b) has applied in writing to the local government for the release from detention of the vehicle; and
 - (c) has furnished proof to the satisfaction of an authorised person of the claimant’s—
 - (i) ownership of the vehicle; or
 - (ii) right to possession of the vehicle; or
 - (iii) authority to act on behalf of the owner; and
 - (d) has paid all expenses incurred by the local government in connection with—
 - (i) the removal confiscation or impounding of the vehicle; and
 - (ii) the detention of the vehicle; and
 - (iii) the service, or advertisement, of any notice served or advertised in relation to a matter in paragraphs (i) and (ii) or the intended sale of the vehicle; and
 - (e) has signed a receipt for the delivery of the vehicle to the claimant.
- (9) A person must not, other than in accordance with section 42(8) (Disposal of a vehicle) of its local law, take delivery of, obtain possession of or remove from the detention of the local government, a vehicle removed, confiscated or impounded

and detained by the local government pursuant to the provisions of section 42 (Disposal of a vehicle) of this local law.

Maximum penalty for subsection (9) – 40 penalty units.

- (10) If a vehicle which is a motor vehicle is to be sold, by public auction or otherwise, the sale of the motor vehicle must be in accordance with the *Motor Dealers and Chattel Auctioneers Act 2014*.

43 Performance of work

- (1) The local government may give a written notice to—
- (a) the owner or occupier of premises who has performed work on the premises contrary to a local law requiring that person to demolish, remove, alter, repair or otherwise perform work in accordance with the local law; or
 - (b) the owner or occupier of premises who is required to perform work on the premises under a local law requiring that person to perform work in accordance with the local law; or
 - (c) the owner or occupier of premises on which it is necessary to perform work on the premises for local government purposes (including for example public health and safety) requiring that person to perform work specified in the written notice; or
 - (d) a person who has performed work contrary to a local law requiring that person to demolish, remove, alter, repair or otherwise perform work in accordance with the local law; or
 - (e) a person who is required to perform work under a local law requiring that person to perform work in accordance with the local law.
- (2) A written notice given pursuant to section 43(1) (Performance of work) of this local law (other than section 43(1)(c) (Performance of work) of this local law) must provide that the person to whom it is given has at least 14 days to take the action specified in the written notice.
- (3) If the person to whom a written notice is given fails to comply with the written notice then the local government may by its employees or agents take the action it has by notice required the person to take.
- (4) A person must comply with the written notice.

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

44 Interpretation of terms

- (1) Where a term used in a local law is not defined in the local law, the term shall unless the context otherwise indicates or requires have the meaning given to it by—
 - (a) a subordinate local law made pursuant to this local law; or
 - (b) *Local Law No. 2 (Administration) 2010* where a term is not defined in a subordinate local law; or
 - (c) the *Local Government Act 2009* where the term is not defined in a subordinate local law or *Local Law No. 2 (Administration) 2010*; or
 - (d) the Macquarie Dictionary where the term is not defined in a subordinate local law, *Local Law No. 2 (Administration) 2010* or the *Local Government Act 2009*.
- (2) Where a term used in a subordinate local law is not defined in the subordinate local law, the term shall unless the context otherwise indicates or requires have the meaning given to it by—
 - (a) the local law pursuant to which the subordinate local law is made; or
 - (b) *Local Law No. 2 (Administration) 2010* where a term is not defined in the local law pursuant to which the subordinate local law is made; or
 - (c) the *Local Government Act 2009* where the term is not defined in the local law pursuant to which the subordinate local law is made or *Local Law No. 2 (Administration) 2010*; or
 - (d) the Macquarie Dictionary where the term is not defined in the local law pursuant to which the subordinate local law is made, *Local Law No. 2 (Administration) 2010* or the *Local Government Act 2009*.

45 Local laws do not apply to prescribed officer

Unless otherwise specified in a local law, an offence provision of a local law does not apply in respect of a prescribed officer where the prescribed officer is in the case of—

- (a) a council officer who is—
 - (i) an authorised person, acting in the course of their appointment; and
 - (ii) an employee of the local government, acting in the course of their employment; and

- (iii) a person appointed to a position provided for in a local law, acting in the course of their appointment; and
 - (iv) a person assisting a person referred to in paragraphs (a)(i), (ii) and (iii), acting in the course of assisting the other person; and
- (b) a person appointed as an agent or a contractor of the local government, acting in accordance with the terms of the agency or contract.

46 False representation concerning the local government

A person must not falsely—

- (a) make any representation that the person is the local government; or
- (b) make any representation that the person has the sponsorship or approval of, or an affiliation with, the local government.

Maximum penalty – 50 penalty units.

Part 6 Review

47 Reviewable decisions

- (1) This part applies to a decision of the local government or an authorised person regarding an approval, or an application for an approval, made under a local law that makes no provision for the review of decisions made under the local law.
- (2) A decision of the local government or an authorised person under the local law is reviewable unless it is—
 - (a) a decision made by a resolution of the local government; or
 - (b) a decision to dispose of goods that has been implemented; or
 - (c) a decision made on an earlier application under section 48 (Application for review) of this local law.

48 Application for review

- (1) A person who is aggrieved by a reviewable decision may apply to the local government for a review of the decision.
- (2) An application for review of a decision must—
 - (a) be in writing; and
 - (b) state the reasons why the applicant considers the decision should be reviewed; and

- (c) be lodged at the public office of the local government within 20 business days after the day on which notice of the decision was given to the applicant or within a further period allowed by the local government (before or after the end of that period).

49 Carrying out review

- (1) The local government must either—
 - (a) carry out a review at a meeting of the local government; or
 - (b) have the review carried out by an authorised person.
- (2) An authorised person who carries out a review under section 49(1)(b) (Carrying out review) of this local law must not be the original decision maker and must be a person who is no less senior than the original decision maker.

50 Decision on review

- (1) On completing a review, the local government may confirm, vary or reverse the decision under review.
- (2) The local government must give the applicant written notice of the result of the review.
- (3) If the local government does not decide an application for review within 20 business days after receiving the application, the local government is taken to have confirmed the decision under review.

Part 7 Administrative provisions

51 Attempts to commit offences

- (1) A person who attempts to commit an offence against 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 an offence apply to the attempt.

52 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 provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision 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.

Part 8 Subordinate local laws

53 Subordinate local laws

The local government may, in a subordinate local law specify—

- (a) a thing as a structure pursuant to the Schedule (Dictionary) of this local law; and
- (b) a thing as a vehicle pursuant to the Schedule (Dictionary) of this local law; and
- (c) as a local government road a public place pursuant to the Schedule (Dictionary) of this local law; and
- (d) premises as a public place pursuant to the Schedule (Dictionary) of this local law; and
- (e) the qualifications of a person certifying a matter pursuant to the Schedule (Dictionary) of this local law; and
- (f) the information which is to accompany an application pursuant to section 5(2)(c) (Requirements of an application) of this local law; and
- (g) the circumstances in which the local government may waive the requirements of section 5 (Requirements of an application) of this local law pursuant to section 5(3)(c) (Requirements of an application) of this local law; and

- (h) a matter which may be the subject of a certificate signed by the chief executive officer pursuant to section 13(4)(k) (Evidentiary provisions) of this local law; and
- (i) the types of goods that may be disposed of by the local government pursuant to section 41(2)(a)(vi) (Confiscated goods) of this local law; and
- (j) such other matters as are provided for in this local law.

Schedule Dictionary

section 3

address for service means in relation to any person—

- (a) that person's usual or last known place of abode or business; or
- (b) the address for service last notified in writing by that person to the local government; or
- (c) the registered office under or for the purposes of any Act which requires the person to have a registered office.

advertisement has the meaning in Schedule 1 (Prescribed activities) of *Local Law No. 9 (Licensing) 1999*.

analyst means an appropriately qualified person to undertake the analysis of a sample taken under a local law.

animal includes any live mammal (other than a human being), reptile, amphibian, insect, bird, poultry and fish but does not include an animal excluded by a subordinate local law having regard to species, breed, sex, age, use or class of the animal.

application includes a request to the local government under a local law.

approval means a consent, permit, licence, authorisation, registration, membership or approval under a Local Government Act or a local law and includes all conditions of a consent, permit, licence, authorisation, registration, membership or approval.

authorised person means a person who is authorised by the local government to exercise the powers of an authorised person under a local law.

building has the meaning given in the *Building Act 1975*.

charge means a cost-recovery fee fixed by the local government pursuant to section 97 (Cost-recovery fees) of the *Local Government Act 2009* and a charge for a service or facility, other than a service or facility for which a cost-recovery fee may be fixed, able to be imposed by the local government pursuant to section 262 (Powers in support of responsibilities) of the *Local Government Act 2009* and includes the prescribed fee as specified in a local law.

chief executive officer means the person appointed and employed by the local government as its chief executive officer pursuant to section 194 (Appointing a chief executive officer) of the *Local Government Act 2009*.

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

council facility has the meaning given in *Local Law No. 12 (Council Property and Other Public Places) 2003*.

council officer means—

- (a) an authorised person; and
- (b) an employee of the local government; and
- (c) a person appointed by the local government to a position provided for in a local law; and
- (d) a person assisting a person referred to in paragraphs (a), (b) or (c).

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

direction means a written or oral direction given by a council officer pursuant to—

- (a) section 30 (Direction to leave and to not re-enter a public place) of this local law; or
- (b) section 32 (Directions generally) of this local law.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

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.

exclusion notice see section 31(4).

goods includes an animal, a plant, a vehicle, an advertisement and an article.

hazard means a situation in which there is a potential to cause loss whether it be of life, health or property.

identity card means the identity card referred to in section 204 (Identity card for authorised persons) of the *Local Government Act 2009*.

knowledge includes actual or constructive knowledge.

land has the meaning given in the *Planning Act 2016*.

legal instrument means an approval, notice, order, process, summons or other document required or authorised to be given or served to or upon a person under a local law.

Local Government Act has the meaning given in the *Local Government Act 2009* and includes all approvals granted pursuant to Local Government Acts.

local government area has the meaning given in the *Local Government Act 2009*.

local government road means—

- (a) a road under the *Local Government Act 2009*; and
- (b) a mall, square, court or other public place under the local government's control that is specified in a subordinate local law to be subject to this local law.

local law includes any subordinate local laws and all approvals granted pursuant to this local law.

multiple approvals means the local government's approval of a proposal is required under 2 or more local laws or 2 or more provisions of the same local law.

nuisance has the meaning given in *Local Law No. 10 (Public Health) 1999*.

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

owner means in the case of—

- (a) premises – 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; and
- (b) property other than premises – the person who has a legal or beneficial interest in the property.

perform work includes take action to comply with a Local Government Act and includes work required to be performed pursuant to a legal instrument or an approval.

plant means any tree, bush, shrub, grass, fungi, algae or other thing terrestrial or aquatic including all natural parts of it or things naturally produced, of, by or from it.

premises means any land, building or structure and includes any part thereof.

prescribed fee means the fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

prescribed officer means—

- (a) a council officer; and

(b) a person appointed as an agent or a contractor of the local government.

property means premises, a good or other thing.

proposal means an act, matter or thing for which the approval of the local government is sought.

proposed exclusion notice see section 31(1).

public notice means a notice published in a newspaper circulating in the local government area.

public office has the meaning given in the *Local Government Act 2009*.

public place means—

- (a) a road; or
- (b) trust land; or
- (c) a reserve; or
- (d) premises of which the local government is the owner or occupier; or
- (e) premises specified as a public place in a subordinate local law.

recognised qualifications in a particular field means qualifications specified by a subordinate local law or approved by the local government as appropriate to a person or body that certifies the matter required by a local law.

representative means in the case of—

- (a) a corporation – an executive officer, employee or agent of the corporation; or
- (b) an individual – an employee or agent of the individual.

reserve means land which is placed under the control of the local government pursuant to legislation.

Example—

This would include a stock route placed under the control of the local government as well as protected areas placed under the control of the local government pursuant to the *Nature Conservation Act 1992*.

road means a local government road and a State-controlled road.

State-controlled road means a State-controlled road under the *Transport Infrastructure Act 1994*.

state of mind of a person includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
- (b) the person's reasons for the intention, opinion, belief or purpose.

structure has the meaning given in the *Local Government Act 2009* and includes a structure as defined under the *Building Act 1975* and any other thing specified in a subordinate local law.

trust land means land dedicated as a reserve or granted in trust under the *Land Act 1994* and for which the local government is the trustee under the *Land Act 1994*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes anything specified as a vehicle in a subordinate local law.

Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
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2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the 13 December 2019.

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

Reprint No.	Amendments included	Reprint date
1	<i>Amending Local Law No. 1 (Libraries) 2011</i> <i>Amending Local Law No.2 (Meetings) 2011</i>	12 August 2011
2	<i>Amending Local Law No. 4 (Council Property and Other Public Places Local Law) 2011</i> <i>Amending Local Law No. 6 (Administration Local Law) 2011</i>	4 November 2011
3	<i>Amending Local Law No. 5 (Roads) 2011</i>	18 November 2011
4	<i>Amending Local Law No. 3 (Local Law No. 4 (Animal Management) 2002) 2011</i>	9 December 2011
5	<i>Amending Local Law No. 3 (Administration Local Law) 2011</i>	16 December 2011
6	<i>Amending Local Law No. 7 (Administration Local Law) 2012</i>	23 November 2012
7	<i>Amending Local Law No. 1 (Administration Local Law) 2015</i>	7 August 2015
8	<i>Amending Local Law No. 2 (Miscellaneous Local Laws) 2017</i>	13 April 2017
9	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2018</i>	18 May 2018
10	<i>Amending Local Law No. 1 (Local Law No. 2 (Administration) 2010) 2019</i>	13 December 2019

5 List of legislation

Original Local Law

Local Law No. 2 (Administration) 2010
date of gazettal 14 January 2011

Amending Local Laws

Amending Local Law No. 1 (Libraries) 2011
date of gazettal 12 August 2011

Amending Local Law No. 2 (Meetings) 2011
date of gazettal 12 August 2011

Amending Local Law No. 4 (Council Property and Other Public Places Local Law) 2011
date of gazettal 4 November 2011

Amending Local Law No. 6 (Administration Local Law) 2011
date of gazettal 4 November 2011

Amending Local Law No. 5 (Roads) 2011
date of gazettal 18 November 2011

Amending Local Law No. 3 (Local Law No. 4 (Animal Management) 2002) 2011
date of gazettal 9 December 2011

Amending Local Law No. 3 (Administration Local Law) 2011
date of gazettal 16 December 2011

Amending Local Law No. 7 (Administration Local Law) 2012
date of gazettal 23 November 2012

Amending Local Law No. 1 (Administration Local Law) 2015
date of gazettal 7 August 2015

Amending Local Law No. 2 (Miscellaneous Local Laws) 2017
date of gazettal 13 April 2017

Amending Local Law No. 1 (Miscellaneous Local Laws) 2018
date of gazettal 18 May 2018

Amending Local Law No. 1 (Local Law No. 2 (Administration) 2010) 2019
date if gazettal 13 December 2019

6 List of annotations

PART 1—PRELIMINARY

Application of local law

s 4	amd	Amending Local Law No. 1 (Libraries) 2011 s 18
	amd	Amending Local Law No. 2 (Meetings) 2011 s 17
	amd	Amending Local Law No. 4 (Council Property and Other Public Places Local Law) 2011 s 28
	amd	Amending Local Law No. 6 (Administration Local Law) 2011 s 5
	amd	Amending Local Law No. 5 (Roads) 2011 ss 36(1), 36(2)
	amd	Amending Local Law No. 3 (Local Law No. 4 (Animal Management) 2002) 2011 s 51
	amd	Amending Local Law No. 3 (Administration Local Law) 2011
	amd	Amending Local Law No. 7 (Administration Local Law) 2012 s 5
	amd	Amending Local Law No. 1 (Administration Local Law) 2015 s 4
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 5

amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2018 s 5
amd Amending Local Law No. 1 (Local Law No. 2 (Administration) 2010)
2019

PART 4—POWERS OF COUNCIL OFFICERS AND LOCAL GOVERNMENT

pt hdg amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 6

Identity Card

s 22 amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 7

Direction to leave a public place

s 30 amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 8

Exclusion from a public place

s 31 amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 8

PART 5—MISCELLANEOUS

Disposal of a vehicle

s 42 amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 9

SCHEDULE—DICTIONARY

amd def **direction** Amending Local Law No. 2 (Miscellaneous Local Laws)
2017 s 10

ins def **exclusion notice** Amending Local Law No. 2 (Miscellaneous Local
Laws) 2017 s 10

ins def **proposed exclusion notice** Amending Local Law No. 2
(Miscellaneous Local Laws) 2017 s 10

amd def **land** Amending Local Law No. 1 (Miscellaneous Local Laws) 2018 s
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