



## **Local Law No. 10**

## **(Public Health) 1999**

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S. Trinca  
Chief Executive Officer



# Local Law No. 10 (Public Health) 1999

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# Logan City Council Local Law No. 10 (Public Health) 1999

## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 10 (Public Health) 1999*.

### 2 Application and object

- (1) This local law and any subordinate local law made under this local law apply to the whole of the Logan City Council local government area.
- (2) The objects of this local law are to—
  - (a) protect public health and safety by ensuring the proper management and control of acts and omissions that result in—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; and
  - (b) provide a mechanism for the assessment and resolution of nuisance complaints.

### 3 Definitions—the dictionary

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

### 4 Relationship to other laws

The powers given by this local law must be exercised in a way that is not inconsistent with all 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 (Road Use Management) Act 1995*; and
- (e) the *Public Health Act 2005*; and
- (f) the *Land Act 1994*; and

- (g) the Police Powers and Responsibilities Act 2000; and
- (h) the *Plumbing and Drainage Act 2002*; and
- (i) the *Building Act 1975*; and
- (j) the *Planning Act 2016*; and
- (k) the *Work Health and Safety Act 2011*; and
- (l) the *Food Production (Safety) Act 2000*.

## **Part 2                    Nuisances**

### **5            Prohibition of a nuisance**

A person must not do any act or omit to do any act which causes a nuisance.

Maximum penalty—

- (a) for first offence—10 penalty units.
- (b) for second offence—30 penalty units.
- (c) for third offence and further offences thereafter—50 penalty units.

### **6            Commission of a nuisance**

- (1) For the purposes of section 5 (Prohibition of a nuisance) of this local law, a nuisance shall be deemed to exist if—

- (a) an object or material on the premises—
  - (i) has been carried away by the wind and has caused—
    - (A) harm to human health or safety or personal injury; or
    - (B) property damage or a loss of amenity; or
    - (C) environmental harm or environmental nuisance; or
  - (ii) is likely in the authorised person's opinion to—
    - (A) be carried away by the wind; and
    - (B) give rise to a risk of—
      - (1) harm to human health or safety or personal injury; or
      - (2) property damage or a loss of amenity; or

- (3) environmental harm or environmental nuisance; or
- (b) the spillage of light from an artificial illumination on a residential premises—
  - (i) exceeds the relevant light emission standards specified in a subordinate local law; or
  - (ii) in the authorised person’s opinion has caused—
    - (A) harm to human health or safety or personal injury; or
    - (B) a loss of amenity; or
    - (C) environmental harm or environmental nuisance; or
  - (iii) in the authorised person’s opinion is likely to give rise to a risk of—
    - (A) harm to human health or safety or personal injury; or
    - (B) a loss of amenity; or
    - (C) environmental harm or environmental nuisance; or
- (c) a plant on the premises—
  - (i) attracts vermin; or
  - (ii) is a fire hazard; or
  - (iii) is likely in the authorised person’s opinion to—
    - (A) attract vermin; or
    - (B) be a fire hazard; or
- (d) an act or omission on the premises—
  - (i) has caused the breeding or harbouring of flies or vermin; or
  - (ii) is likely in the authorised person’s opinion to give rise to the breeding or harbouring of flies or vermin; or
- (e) a plant or animal on the premises is a declared pest; or
- (f) a declared pest has been sold, displayed or offered for sale or supplied; or

- (g) a release on residential premises of odours, gas, fumes, smoke, dust, particles or aerosols in the authorised person's opinion—
  - (i) has caused—
    - (A) harm to human health or safety or personal injury; or
    - (B) property damage or a loss of amenity; or
    - (C) environmental harm or environmental nuisance; or
  - (ii) is likely to give rise to a risk of—
    - (A) harm to human health or safety or personal injury; or
    - (B) property damage or a loss of amenity; or
    - (C) environmental harm or environmental nuisance; or
- (h) fencing on the premises—
  - (i) is dangerous fencing; or
  - (ii) has caused personal injury or property damage; or
  - (iii) is likely in the authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (i) a dead animal or animal remains on the premises—
  - (i) has caused harm to human health or safety or personal injury; or
  - (ii) is likely in the authorised person's opinion to give rise to a risk of harm to human health or safety or personal injury; or
- (j) noise emitted from a residential premises exceeds the limits specified in a subordinate local law; or
- (k) a fire hazard exists on the premises; or
- (l) the stacking, storing or exposure of goods (including rubbish bins) in, on, across, under or over a road—
  - (i) has caused personal injury or property damage; or
  - (ii) is likely in the authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (m) a vehicle is painted, repaired, altered or maintained on a road; or

- (n) the driving, standing, wheeling or riding of a vehicle on a nature strip, footpath, water channel or gutter—
  - (i) has caused personal injury or property damage; or
  - (ii) is likely in the authorised person’s opinion to give rise to a risk of personal injury or property damage; or
- (o) a vehicle has been abandoned on a road (other than a busway as defined in the *Transport Infrastructure Act 1994*) or a public place by the person who last drove or used it; or
- (p) a vehicle has been:
  - (i) left unattended on a road (other than a busway as defined in the *Transport Infrastructure Act 1994*) or a public place, whether temporarily or otherwise; or
  - (ii) found on a road (other than a busway as defined in the *Transport Infrastructure Act 1994*) or a public place;and where:
  - (iii) in the authorised person’s opinion, the vehicle’s presence in a place, condition, way or circumstance is hazardous because the presence of the vehicle is:
    - (A) causing, or is likely to cause, danger, hindrance, or obstruction to traffic; or
    - (B) preventing, hindering or obstructing, or is likely to prevent, hinder or obstruct, the use of the road or public place or a part of the road or public place for a lawful purpose; or
    - (C) causing or is likely to cause harm to human health or safety or personal injury; or
    - (D) causing or is likely to cause property damage or loss of amenity; and
  - (iv) the driver of the vehicle:
    - (A) can not readily be located; or
    - (B) has failed to immediately remove the vehicle when required by an authorised person to do so.



- (q) an animal is slaughtered on residential premises other than premises in the Rural zone—Farming precinct in the planning scheme; or
- (r) a wasp nest, bee hive or other insect nest on the premises—
  - (i) has caused personal injury or property damage; or
  - (ii) is likely in the authorised person’s opinion to give rise to a risk of personal injury or property damage; or
- (s) a fire which is not authorised under the *Fire and Emergency Services Act 1990* has been lit or maintained in the open air on premises, except where—
  - (i) on premises with an area of less than 4000m<sup>2</sup>, the fire—
    - (A) is for cooking food for human consumption in or on a gas, wood or coal fire barbeque, hangi or similar device, uses only clean, dry, non-toxic and combustible material as fuel and does not otherwise cause a nuisance under this local law; or
    - (B) only involves the lighting of a match, cigarette lighter, candle, lamp, blow torch or similar device; or
    - (C) is part of a Boy Scout or Girl Guide activity or function; or
    - (D) is for outdoor heating within an enclosed fireplace or similar device which is constructed so as to prevent the escape of fire or any burning material contained within the device and does not otherwise cause a nuisance under this local law; or
  - (ii) on premises with an area of 4000m<sup>2</sup> or greater, the fire meets the requirements specified in a subordinate local law.

*Note—*

A fire in which either the height, width or length of the material to be consumed exceeds 2 metres requires a permit under the *Fire and Emergency Services Act 1990*.

- (t) the water in a swimming pool does not meet the prescribed water quality standards; or
- (u) there exists on premises a hole, well, excavation or other place which—
  - (i) has caused personal injury or property damage; or

- (ii) is likely in the authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (v) there exists on the premises an object or material which, in the opinion of an authorised person, is not in accordance with the amenity of the locality or is unsightly when viewed from any point outside the premises; or
- (w) an act or omission specified in a subordinate local law will give rise to a risk of—
  - (i) harm to human health or safety or personal injury; or
  - (ii) property damage or a loss of amenity; or
  - (iii) environmental harm or environmental nuisance; or
- (2) For the purposes of section 6(1)(o) (commission of a nuisance) of this local law, where an unregistered vehicle is parked on a road it is taken to be abandoned.

## **7 Exclusion from liability**

A person does not commit an offence against section 5 (Prohibition of a nuisance) of this local law if—

- (a) the nuisance is authorised or required in the performance of an express duty, express power or an approval under—
  - (i) the *Environmental Protection Act 1994*; or
  - (ii) the *Fire and Emergency Services Act 1990*; or
  - (iii) the *Stock Route Management Act 2002*; or
  - (iv) the *Transport Operations (Road Use Management) Act 1995*; or
  - (v) the *Public Health Act 2005*; or
  - (vi) the *Land Act 1994*; or
  - (vii) the *Plumbing and Drainage Act 2002*; or
  - (viii) the *Building Act 1975*; or
  - (ix) the *Planning Act 2016*; or
  - (x) the *Work Health and Safety Act 2011*; or
  - (xi) the *Food Production (Safety) Act 2000*; or
  - (xii) another Act (including a local law); or

- (b) the act or omission is specified in a subordinate local law not to be a nuisance.

## **Part 3 Nuisance complaints**

### **8 Making a nuisance complaint**

- (1) A person may make a nuisance complaint to the local government if that person believes that another person, by an act or omission, has caused or is causing a nuisance.
- (2) The nuisance complaint may be written or oral.
- (3) The nuisance complaint must include—
  - (a) the complainant's name and residential address; and
  - (b) a telephone number at which the complainant can be contacted; and
  - (c) enough details of the act or omission to allow the local government to investigate whether the act or omission is causing a nuisance.

Note—

Alternatively, a person may be able to make a public interest disclosure in relation to certain types of information to the local government under the *Public Interest Disclosures Act 2010*, which may be made anonymously.

### **9 Regulation of a nuisance**

- (1) As soon as practicable after receiving a nuisance complaint, the local government must decide—
  - (a) whether the nuisance complaint is frivolous, vexatious or based on a mistaken belief; and
  - (b) if not, whether the nuisance complaint will be dealt with under—
    - (i) this local law; or
    - (ii) another Local Government Act; or
    - (iii) a State law.
- (2) The local government may decide not to deal with a nuisance complaint under this local law where it considers that the nuisance complaint would be more appropriately dealt with under a State law or another local law.

*Examples—*

- If a nuisance complaint is made about noise from refrigeration equipment, the local government may consider the complaint would be more appropriately dealt with under a State law such as the *Environmental Protection Act 1994*.
  - If a nuisance complaint is made about domestic animal noise, the local government may consider it more appropriate to deal with the complaint under a local law relating to animal management.
- (3) In making a decision under section 9(1)(b) (Regulation of a nuisance) of this local law, the local government may consider—
- (a) the nature of the nuisance; and
  - (b) the general emission criteria; and
  - (c) the noise emission criteria; and
  - (d) the seriousness of the nuisance; and
  - (e) the nature and extent to which a continuation of the nuisance has caused or is likely to give rise to a risk of—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or loss of amenity; or
    - (iii) environmental harm or environmental nuisance; and
  - (f) any further risk of—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or loss of amenity; or
    - (iii) environmental harm or environmental nuisance; and
  - (g) the use of the premises from which the nuisance originates; and
  - (h) the circumstances in which the nuisance was caused; and
  - (i) the nature and extent of any proposed investigation; and
  - (j) the available enforcement mechanisms.
- (4) Upon making a decision under section 9(1)(b) (Regulation of a nuisance) of this local law, the local government must—
- (a) give written notice of the decision to the complainant; and
  - (b) where the local government decides that the nuisance complaint would be more appropriately dealt with by a public sector entity under a State law,

refer the nuisance complaint to the public sector entity responsible for administering the State law.

## **10 Frivolous, vexatious or mistaken nuisance complaints**

- (1) The local government may reject a nuisance complaint if, at any time after a nuisance complaint has been received by the local government, the local government believes, on reasonable grounds, the nuisance complaint is frivolous, vexatious or based on a mistaken belief.
- (2) If the local government rejects the nuisance complaint, the local government must give the person who made the nuisance complaint a written notice (a *rejection notice*) stating—
  - (a) that the local government has rejected the nuisance complaint; and
  - (b) the reasons for the rejection of the nuisance complaint; and
  - (c) that the person who made the nuisance complaint may apply to the local government, within 10 business days after receiving the rejection notice, for a review of the local government’s decision to reject the nuisance complaint.

## **11 Investigation of a nuisance complaint**

- (1) The local government must investigate a nuisance complaint under this local law as soon as practicable after—
  - (a) receiving the nuisance complaint; and
  - (b) the local government has had a reasonable opportunity to consider whether—
    - (i) the nuisance complaint is frivolous, vexatious or based on a mistaken belief; and
    - (ii) the nuisance complaint should be dealt with under this local law.
- (2) However, section 11(1) (Investigation of a nuisance complaint) of this local law ceases to apply if—
  - (a) a rejection notice has been given for the nuisance complaint; or
  - (b) the local government considers the nuisance complaint would be more appropriately dealt with under another Local Government Act or a State law.

## **12 Completion of investigation**

Upon the completion of an investigation of a nuisance complaint under section

11(1) (Investigation of a nuisance complaint) of this local law, the local government must give the complainant notice of—

- (a) the results of the investigation; and
- (b) any action which has been or is to be taken to address the nuisance.

## **Part 4 Regulation of shopping trolleys**

### **13 Shopping trolley containment systems**

- (1) Retailers must ensure that all shopping trolleys owned by them or that they make available for use or permit to be used are controlled by a shopping trolley containment system within 60 days of the commencement of this section<sup>1</sup>.
- (2) After 60 days from the commencement of this section, a retailer must not make available for use, or permit to be used, a shopping trolley which is not controlled by a shopping trolley containment system.

Maximum penalty for subsection (2)—850 penalty units.

- (3) The local government may specify in a subordinate local law retailers that are exempt from the provisions in subsections (1) and (2) and are therefore not required to implement a shopping trolley containment system.

### **14 Identification of shopping trolleys**

- (1) Retailers must ensure within 60 days of the commencement of this section<sup>2</sup> that all shopping trolleys owned by them or that they make available for use or permit to be used are marked with details of—
  - (a) the name of the retailer that made the shopping trolley available for use; and
  - (b) the address, or brand that indicates the address, of the retailer's premises where the shopping trolley is ordinarily kept.
- (2) After 60 days from the commencement of this section, a retailer must not make available for use, or permit to be used, a shopping trolley which is not marked with the details required in subsection (1).

Maximum penalty for subsection (2)—850 penalty units.

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<sup>1</sup> To be clear, this section commences on 14 January 2011.

<sup>2</sup> To be clear, this section commences on 14 January 2011.

## Part 5                    Enforcement

### 15        Compliance notice

- (1)        The local government may give a compliance notice to—
  - (a)        a person who contravenes this local law; and
  - (b)        any person involved in the contravention of this local law pursuant to section 22 (Liability of third parties) of this local law; and
  - (c)        the owner or occupier of the premises on which a nuisance exists.
- (2)        A compliance notice may require the person to whom it is given to—
  - (a)        stop the contravention, if the contravention is of a continuing or recurrent nature; and
  - (b)        perform work or otherwise take specified action to remedy the contravention (including the making of an application for a licence or permit under a relevant law) for or within a time specified in the compliance notice, whether or not the contravention is of a continuing or recurrent nature; and
  - (c)        perform work or otherwise take specified action for or within a time specified in the compliance notice to prevent—
    - (i)        harm to human health or safety or personal injury; or
    - (ii)       property damage or a loss of amenity; or
    - (iii)      environmental harm or environmental nuisance.
- (3)        Without limiting specific requirements a compliance notice may impose under subsection (2), a compliance notice may require a person to do any one or more of the following—
  - (a)        for a swimming pool that has not met the prescribed water quality standards in contravention of section 6(1)(t) (Commission of a nuisance) on two or more occasions in any 12 month period—
    - (i)        drain or otherwise empty a swimming pool of water;
    - (ii)       render a swimming pool incapable of holding water; or
    - (iii)      keep a swimming pool empty.
- (4)        A person to whom the compliance notice is given must comply with the compliance notice.

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

## 16 Stop order

- (1) The local government may, by notice to the owner or occupier of the premises on which a nuisance exists require the owner or occupier to cease the nuisance within the time allowed in the notice where—
  - (a) a compliance notice is not complied with within the time allowed for compliance in the notice; or
  - (b) the nuisance has resulted in—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance.
- (2) Subject to section 16(3) (Stop order) of this local law, the owner or occupier to whom a stop order is given must comply with the notice.

Maximum penalty for subsection (2)—200 penalty units.

- (3) The stop order ceases where the person to whom a stop order is given has complied with to the satisfaction of the authorised person—
  - (a) the requirements of this local law; and
  - (b) the requirements of any relevant compliance notice; and
  - (c) the requirements of the stop order.

## 17 Inspection of premises

- (1) An authorised person may inspect premises (including any vehicle, equipment, animal, plant or other thing on the premises) on which a nuisance exists to establish whether there is compliance with<sup>3</sup>—
  - (a) the requirements of this local law; and
  - (b) the requirements of a compliance notice; and
  - (c) the requirements of a stop order.

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<sup>3</sup> See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.



- (2) An authorised person may direct the owner or occupier of premises to produce for inspection<sup>4</sup>—
- (a) all licences or permits granted by the local government; and
  - (b) any records that are required to be kept as specified in a subordinate local law and may take copies or extracts from those records; and
  - (c) any vehicle, equipment, animal, plant or thing used on the premises; and
  - (d) any inspection, monitoring or management program required to be kept as a condition of the licence 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 17 (Inspection of premises) of this local law<sup>5</sup>.
- (4) The owner or occupier of the premises must comply with—
- (a) a direction of an authorised person pursuant to section 17(2) (Inspection of premises) of this local law; and
  - (b) the terms of a periodic inspection, monitoring or management program specified in a subordinate local law.

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

## **18 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.
- (2) The local government may perform work where a person has failed to perform work required to be performed by<sup>6</sup>—
- (a) section 18(1) (Performance of work) of this local law; or
  - (b) a compliance notice or stop order issued under this local law; or
  - (c) any other provision of this local law.

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<sup>4</sup> See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

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

<sup>6</sup> The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

- (3) The local government may in the course of performing work remove from the premises any structure, vehicle, equipment, animal or thing used in the commission of the nuisance where the local government is satisfied there is a risk of<sup>7</sup>—
- (a) harm to human health or safety or personal injury; or
  - (b) property damage or a loss of amenity; or
  - (c) environmental harm or environmental nuisance.
- (4) The local government must dispose of any material of any nature removed by it pursuant to section 18(3) (Performance of work) of this local law in accordance with the provisions for the disposal of confiscated goods under *Local Law No. 2 (Administration) 2010*.
- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 18 (Performance of work) of this local law.
- (6) 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 18(1) (Performance of work) of this local law; and
    - (ii) a compliance notice or a stop order issued under this local law; and
    - (iii) a provision of this local law; and
  - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 18 (Performance of work) of this local law.

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

- (1) If the work to be carried out by the local government 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>8</sup>—
- (a) if the person who has failed to perform the work is the owner or occupier of the land; or

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<sup>7</sup> The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

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

- (b) if the entry is necessary for the exercise of the local government's jurisdiction.
- (2) If the person who failed to perform the work is the owner of the land, the amount properly and reasonably incurred by the local government to perform the work is recoverable (together with any interest) under Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.
- (3) If the person who failed to perform the work is not the owner of the land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of the land under Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

## **Part 6 Administrative provisions**

### **20 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.

### **21 Owners and occupiers must ensure compliance with the local law**

- (1) The owner and occupier of premises must ensure that an offence is not committed on the premises.

- (2) If an offence is committed on the premises, the owner and occupier of the premises also commit an offence, namely the offence of failing to ensure that an offence is not committed on the premises.

Maximum penalty for subsection (2)—the penalty for the commission of the offence on the premises.

- (3) Evidence that an offence has been committed on the premises is evidence that the owner and occupier of the premises committed the offence of failing to ensure that the offence is not committed on the premises.
- (4) However, it is a defence for an owner or occupier to prove that—
- (a) the owner or occupier exercised reasonable diligence to ensure that an offence was not committed on the premises; or
  - (b) the offence was committed on the premises without that person's knowledge or consent.

## **22 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 22(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.

## **23 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.

## 24 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 7 Subordinate local laws

### 25 Subordinate local laws

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

- (a) work as building work pursuant to the Schedule (Dictionary) of this local law; and
- (b) as a local government road a public place pursuant to the Schedule (Dictionary) of this local law; and
- (c) a thing as a vehicle pursuant to the Schedule (Dictionary) of this local law; and
- (d) a thing as a fire hazard pursuant to the Schedule (Dictionary) of this local law; and
- (e) a public place as a footpath pursuant to the Schedule (Dictionary) of this local law; and
- (f) a plant or animal as a declared pest pursuant to the Schedule (Dictionary) of this local law; and
- (g) a vehicle as a prescribed vehicle pursuant to the Schedule (Dictionary) of this local law; and
- (h) a fence as a dangerous fence pursuant to the Schedule (Dictionary) of this local law; and
- (i) the prescribed water quality standards with which water in a swimming pool must comply pursuant to the Schedule (Dictionary) of this local law; and
- (j) an animal as vermin pursuant to the Schedule (Dictionary) of this local law; and

- (k) a building as a dwelling pursuant to the Schedule (Dictionary) of this local law; and
- (l) a thing as a structure pursuant to the Schedule (Dictionary) of this local law; and
- (m) the emission of light constituting a light nuisance pursuant to section 6(1)(b)(i) (Commission of a nuisance) of this local law; and
- (n) the emission of noise constituting a noise nuisance pursuant to section 6(1)(j) (Commission of a nuisance) of this local law; and
- (o) ways in which a noise may be measured to help determine if a noise nuisance exists; and
- (p) the requirements with which a fire that has been lit or maintained in the open air on premises with an area of 4000m<sup>2</sup> or greater must comply pursuant to section 6(1)(s)(ii) (Commission of a nuisance) of this local law; and
- (q) an act or omission that is a nuisance pursuant to section 6(1)(w) (Commission of a nuisance) of this local law; and
- (r) an act or omission that is not a nuisance pursuant to section 7(b) (Exclusion from liability) of this local law; and
- (s) the records that are required to be kept pursuant to section 17(2)(b) (Inspection of premises) of this local law; and
- (t) any inspection, monitoring or management program required to be kept in accordance with section 17(2)(d) (Inspection of premises) of this local law; and
- (u) the terms of a periodic inspection, monitoring or management program pursuant to section 17(4)(b) (Inspection of premises) of this local law; and
- (v) retailers that are exempt from implementing a shopping trolley containment system pursuant to section 13(3) (Shopping trolley containment systems) of this local law; and
- (w) a shopping trolley containment system pursuant to the Schedule (Dictionary) of this local law; and
- (x) such other matters as are provided for in this local law.

## Schedule Dictionary

section 3

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

**animal** has the meaning given in the local government's animal management local laws.

**approval** has the meaning given in *Local Law No. 2 (Administration) 2010*.

**authorised person** means a person authorised by the local government pursuant to *Local Law No. 2 (Administration) 2010*.

**brand** means a code, engraving, number or symbol that identifies the address of the retailer to the local government.

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

**building work** has the meaning given in the *Planning Act 2016*.

**complainant** means a person who has made a nuisance complaint, for which a rejection notice has not been given.

**compliance notice** means the written notice given pursuant to section 15 (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.

**dangerous fencing** means—

- (a) a razor wire fence; or
- (b) a fence specified in a subordinate local law.

**declared pest** means a plant or animal declared to be a pest by a subordinate local law after consultation with the chief executive of the department which administers the *Stock Route Management Act 2002*.

**dwelling** has the meaning given in the planning scheme and includes a dwelling specified in a subordinate 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.

**fire hazard** means anything that because of its flammable or combustible nature, its position, or its quantity, exposes premises or other property (such as plant, equipment or chattels) to a significant risk of damage or destruction by fire and includes anything that is declared under a subordinate local law to be a fire hazard.

**footpath** has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes a mall, a square, court or other public place specified as a footpath in a subordinate local law.

**general emission criteria** means the general emission criteria listed in section 363C(3) of the *Environmental Protection Act 1994*.

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

**knowledge** includes actual or constructive knowledge.

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

**light emission standards** means the light emission standards specified in a subordinate local law.

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

**local government road** means—

- (a) a road under the *Local Government Act 2009*; or
- (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.

**maintain** in relation to a fire includes a failure to extinguish a fire.

**noise emission criteria** means the noise emission criteria listed in section 363C(4) of the *Environmental Protection Act 1994*.

**nuisance** see section 6 (Commission of a nuisance) of this local law.

**nuisance complaint** means a complaint—

- (a) which is—



- (i) made under section 8(1) (Making a nuisance complaint) of this local law;  
or
  - (ii) referred to the local government by a public sector entity; and
- (b) in respect of which a rejection notice has not been given.

**object** includes a vehicle but does not include a building or structure.

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

**open air** means any place not within the confines of any building.

**owner** of premises 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 stop order.

**planning scheme** means the *Logan Planning Scheme 2015*.

**plant** has the meaning given in *Local Law No. 2 (Administration) 2010*.

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

**prescribed water quality standards** means the standards specified in a subordinate local law with which a swimming pool must comply.

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

**public sector entity** means—

- (a) a department or part of a department; or
- (b) an agency, commission, corporation, instrumentality, office or other entity established under an Act for a public or State purpose.

**rejection notice** means a written notice given pursuant to section 10(2) (Frivolous, vexatious or mistaken nuisance complaints) of this local law.

**residential premises** means premises used for a residential use.

**residential use** means—

- (a) a use listed in the Accommodation activities activity group or the Residential activities activity group in Table SC1.1.1.2—Defined activities groups in the planning scheme; or
- (b) a tourist park use as defined in the planning scheme.

**retailer** means a vendor of goods to be sold directly to a consumer within the local government's local government area who makes shopping trolleys available for use.

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

**shopping trolley containment system** means a shopping trolley containment system specified in a subordinate local law.

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

**stop order** means the written notice given pursuant to section 16(1) (Stop order) of this local law, which has not ceased pursuant to section 16(3) (Stop order) of this local law.

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

**swimming pool** has the meaning given in the *Building Act 1975* and includes a swimming pool as defined in the *Building Act 1975* within or on a building.

**toy vehicle** means a vehicle (other than a bicycle, tricycle or wheelchair) that is—

- (a) ordinarily used for sport or recreation; and
- (b) designed to be propelled by human power.

*Example of a toy vehicle—*

Scooters, skateboards, roller-skates and roller-blades.

**traffic** has the meaning given in *Local Law No. 11 (Roads) 1999*.

**unregistered vehicle** means a vehicle that is not currently registered in the register under:

- (a) the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010* or another Act prescribed under a regulation that deals with the registration of vehicles; or
- (b) a law of the Commonwealth or another State or Territory that deals generally with the same subject matter as an Act mentioned in paragraph (a).

**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 but does not include a bicycle, tricycle or toy vehicle.

**vermin** means any of the following—

- (a) rats; or
- (b) mice; or

(c) an animal specified in a subordinate local law.

*Note*—

A domestic animal is not vermin for the purposes of this local law.

## 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 24 May 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

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Reprint date</b>
1	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2001</i>	9 March 2001
2	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2003</i>	11 July 2003
3	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2005</i>	24 June 2005
4	<i>Amending Local Law No. 2 (Miscellaneous Local Laws) 2005</i>	17 March 2006
5	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2007</i>	9 November 2007
6	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2010</i>	14 January 2011
7	<i>Amending Local Law No. 1 (Local Law No. 10 (Public Health) 1999) 2014</i>	29 August 2014
8	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2014</i>	18 May 2015
9	<i>Amending Local Law No. 1 (Local Law No. 10 (Public Health) 1999) 2015</i>	5 February 2016

10	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2017</i>	17 March 2017
11	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2018</i>	18 May 2018
12	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2019</i>	24 May 2019

## 5 List of legislation

### Original Local Law

Local Law No. 10 (Public Health) 1999  
date of gazettal 7 May 1999

### Amending Local Laws

Amending Local Law No. 1 (Miscellaneous Local Laws) 2001  
date of gazettal 9 March 2001

Amending Local Law No. 1 (Miscellaneous Local Laws) 2003  
date of gazettal 11 July 2003

Amending Local Law No. 1 (Miscellaneous Local Laws) 2005  
date of gazettal 24 June 2005

Amending Local Law No. 2 (Miscellaneous Local Laws) 2005  
date of gazettal 10 February 2006

Amending Local Law No. 1 (Miscellaneous Local Laws) 2007  
date of gazettal 9 November 2007

Amending Local Law No. 1 (Miscellaneous Local Laws) 2010  
date of gazettal 11 January 2011

Amending Local Law No. 1 (Local Law No. 10 (Public Health) 1999) 2014  
date of gazettal 29 August 2014

Amending Local Law No. 1 (Miscellaneous Local Laws) 2014  
date of gazettal 18 May 2015

Amending Local Law No. 1 (Local Law No. 10 (Public Health) 1999) 2015  
date of gazettal 5 February 2016

Amending Local Law No. 1 (Miscellaneous Local Laws) 2017  
date of gazettal 17 March 2017

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

Amending Local Law No. 1 (Miscellaneous Local Laws) 2019  
date of gazettal 24 May 2019

## 6 List of annotations

### PART 1—PRELIMINARY

#### Short title

- s 1     amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 45
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 10
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 103

#### Application and object

- s 2     amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 11
- amd hdg       Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 192
- amd           Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
- amd hdg       Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 50
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 50
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 29
- s 3     amd           def “**animal**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(1)
- ins           def “**building work**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(2)
- ins           def “**complainant**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(8)
- amd           def “**compliance notice**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(3)
- amd           def “**dangerous fencing**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
- amd           def “**declared pest**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
- amd           def “**direction**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(4)
- amd           def “**domestic animal**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
- amd           def “**dwelling unit**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001

	s 49(2)
amd	def “ <b>fire hazard</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
ins	def “ <b>footpath</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 46
om	def “ <b>footway</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 46
ins	def “ <b>general emission criteria</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(12)
om	def “ <b>ground waters</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(7)
amd	def “ <b>local government road</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
amd	def “ <b>local law</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(3)
amd	def “ <b>noise nuisance</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
ins	def “ <b>nuisance complaint</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(9)
amd	def “ <b>prescribed water quality standards</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
ins	def “ <b>public sector entity</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(10)
ins	def “ <b>rejection notice</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(10)
ins	def “ <b>residential land</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(10)
amd	def “ <b>stop order</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(5)
amd	def “ <b>stormwater system</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(7)
amd	def “ <b>structure</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
amd	def “ <b>surface waters</b> ” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(7)



- ins def “**toy vehicle**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(11)
- ins def “**traffic**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(11)
- amd def “**vehicle**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(6)
- amd def “**vermin**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
- amd def “**waste**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
- om def “**waste**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(7)
- om def “**watercourse**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(7)
- om def “**waters**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 12(7)
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 104
- amd hdg Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 193
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 193

**Relationship to other laws**

- s 4 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 47
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 105(1), 105(2), 105(3), 105(4), 105(5)
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 51
- amd Amending Local Law No. 1 (Local Law No. 10 (Public Health) 1999) 2015 s 4
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2018 s 8
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 12

**PART 2—NUISANCES**

**Prohibition of a nuisance**

- s 5 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 52

**Commission of a nuisance**

- s 6     amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 ss 49(1), 49(2)
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 13
- amd           Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2007 s 70
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 53
- amd           Amending Local Law No. 1 (Local Law No. 10 (Public Health) 1999) 2014 s 5
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 8
- amd           Amending Local Law No. 1 (Local Law No. 10 (Public Health) 1999) 2015 s 5
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 30
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2018 s 9
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 13

**Exclusion from liability**

- s 7     amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 48
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 106(1), 106(2)
- amd           Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 194
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 54
- amd           Amending Local Law No. 1 (Local Law No. 10 (Public Health) 1999) 2015 s 6
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2018 s 10
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 14

**PART 3—NUISANCE COMPLAINTS**

- pt hdg   ins           Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 25

**Making a nuisance complaint**

- s 8     ins           Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 25
- amd           Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
- amd           Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 31

**Frivolous, vexatious or mistaken nuisance complaints**

s 9	ins	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 25
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 195
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	om	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 55

**Regulation of a nuisance**

s 9	ins	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 25
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 196
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 ss 55, 56

**Frivolous, vexatious or mistaken nuisance complaints**

s 10	ins	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 57
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**Investigation of a nuisance complaint**

s 11	ins	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 25
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 58

**Completion of investigation**

s 12	ins	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 25
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206

**PART 4—REGULATION OF SHOPPING TROLLEYS**

pt hdg	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59
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**Shopping trolley containment systems**

s 13	ins	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59
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**Identification of shopping trolleys**

s 14	ins	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59
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**PART 5—ENFORCEMENT**

pt hdg	renum	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 15
	renum	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59

**Compliance notice**

<b>s 15</b>	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14, 16
	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 107(1), 107(2)
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 197
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 ss 59, 60
	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 15

**Stop order**

<b>s 16</b>	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14, 17
	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 108
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 ss 59, 61

**Inspection of Premises**

<b>s 17</b>	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(2)
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14, 18
	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 109
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 198
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 ss 59, 62

**Performance of work**

<b>s 18</b>	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14, 19
	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 110
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 199
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2007 s 71
	renum/amd	Amending Local Law No. 1 (Miscellaneous

Local Laws) 2010 ss 59, 63

**Power of entry and cost recovery**

- s 19** renum/amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14, 20
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 200
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
- renum/amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 ss 59, 64

**PART 6—ADMINISTRATIVE PROVISIONS**

- pt hdg** renum Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 15
- renum Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59

**Appointment of authorised persons**

- s 18** renum Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14
- om Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 111

**Powers of authorised persons**

- s 19** renum Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14
- om Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 112(1)

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

- s 20** renum Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14
- Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 112(2)
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 201
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
- renum Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59

**Owners and occupiers must ensure compliance with the local law**

- s 21** renum/amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14, 21
- renum Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 112(2)
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
- renum Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59

**Liability of third parties**

<b>s 22</b>	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14, 22
	renum	Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 112(2)
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 202
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 ss 59, 65

**Attempts to commit offences**

<b>s 23</b>	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 14, 23
	renum	Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 112(2)
	renum	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59

**Defence**

<b>s 24</b>	ins	Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 114(1)
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 203
	renum	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59

**PART 7—SUBORDINATE LOCAL LAWS**

<b>pt hdg</b>	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 49(4)
	renum	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 15
	renum	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 59

**Subordinate local laws**

<b>s 25</b>	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 ss 49(1), 49(2), 49(3), 49(5)
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 ss 14, 24
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 112(2), 114(2), 115
	renum/amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 204
	amd	Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206
	renum/amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 ss 59, 66
	amd	Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 9
	renum/amd	Amending Local Law No. 1 (Local Law No.

amd 10 (Public Health) 1999) 2015 s 7  
Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2019 s 16

#### SCHEDULE—DICTIONARY

ins Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2005 s 116

amd def **advertisement** Amending Local Law No. 2 (Miscellaneous  
Local Laws) 2005 s 205

amd def **animal** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

amd def **approval** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

amd def **authorised person** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

ins def **brand** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

amd def **building work** Amending Local Law No. 2 (Miscellaneous  
Local Laws) 2005 s 205

amd Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

amd def **cemetery** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

amd def **complainant** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2007 s 72

amd def **compliance notice** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

amd def **declared pest** Amending Local Law No. 2 (Miscellaneous  
Local Laws) 2005 s 205

amd def **dwelling unit** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

om def **dwelling unit** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2014 s 10(1)

ins def **dwelling** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2014 s 10(2)

amd def **footpath** Amending Local Law No. 2 (Miscellaneous  
Local Laws) 2005 s 205

amd def **general emission criteria** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 67

amd def **land** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

ins def **light emission standards** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

amd def **Local Government Act** Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2010 s 67

amd def **local government road** Amending Local Law No. 2 (Miscellaneous  
Local Laws) 2005 s 205

ins def **maintain** Amending Local Law No. 1 (Local Law

No. 10 (Public Health) 1999) 2015 s 8

amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

ins def **noise emission criteria** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

om def **noise nuisance** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

amd def **perform work** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

ins def **planning scheme** Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 10(3)

om def **planning scheme** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

amd def **plant** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 205

amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

om def **prescribed fee** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

om def **prescribed form** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

amd def **prescribed water quality standards** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

om def **private swimming pool** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

ins def **public place** Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 32

amd def **rejection notice** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

om def **residential land** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

ins def **residential premises** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

ins def **residential use** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

amd def **residential use** Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 10(4)

amd def **residential use** Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 32

ins def **retailer** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

ins def **shopping trolley containment system** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

amd def **stop order** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

amd def **structure** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67



amd def **toy vehicle** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 205

ins def **transferring area A** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

om def **transferring area A** Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 32

ins def **transferring area D** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

om def **transferring area D** Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 32

om def **unregistered vehicle** Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 32

amd def **vermin** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 205

amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 206

amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 67

amd def **building work** Amending Local Law No. 1 (Miscellaneous Local Laws) 2018 s 11

amd def **land** Amending Local Law No. 1 (Miscellaneous Local Laws) 2018 s 11

om def **cemetery** Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 17(1)

om def **disposal of human remains** Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 17(1)

om def **human remains** Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 17(1)

amd def **declared pest** Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 17(2)

amd def **unregistered vehicle** Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 17(3)