NOTICE OF MEETING & AGENDA

Ordinary Meeting

Thursday 9 April 2026

Roma Administration Centre

NOTICE OF MEETING

Date: 2 April 2026

Mayor:	Councillor W M Taylor
Deputy Mayor:	Councillor C J O'Neil
Councillors:	Councillor J R P Birkett Councillor M K Brumpton Councillor A K Davis Councillor P J Flynn Councillor J M Hancock Councillor B R Seawright Councillor J R Vincent
Chief Executive Officer:	Robert Hayward
Executive Management:	Cameron Hoffmann – Deputy CEO – Strategic Roads, Airports & Major Projects Brett Exelby – Director Corporate Services Seamus Batstone – Director Engineering Jamie Gorry – Director Regional Development, Environment and Planning

Attached is the agenda for the **Ordinary Meeting** to be held at the Roma Administration Centre on **9 April 2026 at 9:00 AM.**

Robert Hayward
Chief Executive Officer

TABLE OF CONTENTS

Item No | Subject

1 Welcome

2 Attendances

3 Confirmation of Minutes
Ordinary 24 March 2026 3

4 Declaration of Conflicts of Interest

5 On the Table

6 Presentations/Petitions and Deputations

7 Consideration of notices of business

8 Consideration of notices of motion

8.1 Maranoa and Western Downs Regional Council Colloboration 18
Prepared by: Deputy CEO - Strategic Roads, Airports & Major Projects
Project Administration Officer

9 Reception of notices of motion for next meeting

Reports

10 Office of the CEO

10.1 Consideration of Elected Member Attendance - 2026 LGAQ Bush Councils Convention 20
Prepared by: Coordinator - Executive & Elected Member Support Services

11 Corporate Services

11.1 Local Laws Review 24
Prepared by: Governance Officer
Attachment 1: Local Laws Attachments A-B 38
Attachment 2: Local Laws Attachments C - G 57

11.2 Related Parties Disclosure Policy 510
Prepared by: Manager - Financial Operations
Attachment 1: Related Party Disclosures Policy 513
Attachment 2: Related Party Disclosures - Fact Sheet 520
Attachment 3: Related Party Disclosures - Information Privacy 522
Attachment 4: Related Party Disclosures - Declaration Form 524

11.3 Caretaker Period Policy 525
Prepared by: Manager - Governance & Risk Services
Attachment : Caretaker Period Policy 528

11.4 Bendemere Pony Club - Trustee Lease - Lot 41 on WV1371 535
Prepared by: Property & Tenure Officer
Attachment 1: Current Trustee Lease - Bendemere Pony Club - Expiring 30 June 2026 539
Attachment 2: Current Title Serach - Lot 41 on WV1371 564

11.5 Cafe on Second - Option to Renew Lease 565
Prepared by: Property & Tenure Officer
Attachment : Disclosure Statement - 03/07/2025 to 02/07/2026 569

12 Engineering

13 Regional Development, Environment & Planning

14 Strategic Roads, Airports & Major Projects

Confidential Items

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012,* a local government may resolve to close a meeting to the public to discuss confidential items that it's Councillors or members consider it necessary to close the meeting.

C Confidential Items

C.1 Notice to Amend OM/01.2026/26

Classification: Closed Access

Local Government Regulation 2012 Section 254J(3)(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

Closure

MINUTES OF THE ORDINARY MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 24 MARCH 2026 SCHEDULED TO COMMENCE AT 9:00 AM

ATTENDANCE

Deputy Mayor Cr C J O'Neil chaired the meeting with, Cr J R P Birkett (by Microsoft Teams), Cr M K Brumpton, Cr A K Davis, Cr P J Flynn, Cr J M Hancock (by Microsoft Teams), Cr B R Seawright (by Microsoft Teams), Cr J R Vincent (by Microsoft Teams), Deputy Chief Executive Officer – Cameron Hoffmann and Kelly Rogers Minutes Officer in attendance.

AS REQUIRED

Director Regional Development, Environment and Planning – Jamie Gorry, Manager - Tourism & Community Development – Tony Klein, Manager - Facility & Property Services – Leah Cooper, Manager – Roads Strategy – Jarvis Black, Coordinator – Tourism – Georgia Nichols.

WELCOME

The Chair welcomed all present and declared the meeting open at 9.08am, noting that Mayor Taylor and CEO were in Canberra as part of a SWQROC delegation to meet with all neighbouring council's speaking with decision makers in Canberra.

APOLOGIES

Resolution No. OM/03.2026/16

Moved Cr Brumpton **Seconded Cr Davis**

That apologies be received and leave of absence granted for Cr. Taylor for this meeting.

CARRIED 8/0

CONFIRMATION OF MINUTES

Resolution No. OM/03.2026/17

Moved Cr Davis **Seconded Cr Brumpton**

That the minutes of the Ordinary Meeting held on 12 March 2026 be confirmed.

CARRIED 8/0

Resolution No. OM/03.2026/18

Moved Cr Brumpton **Seconded Cr Vincent**

That the minutes of the Special Meeting held on 18 March 2026 be confirmed.

CARRIED 8/0

UNCONFIRMED

BUSINESS

OFFICE OF THE CEO

Declaration of Interest

Item	**10.1**
Description	Upcoming Deputations and Briefing Topics / Councillor Briefings April 2026
Declaring Councillor	Amber Davis
Person with the interest Related party / close associate / other relationship	Myself and my husband, Wayne Davis.
Particulars of Interest	We own and operate Bessie's Ice-Cream Bus and have attended the Roma Halloween Celebrations, Australia Day event and the Maranoa Street Christmas Party which is listed in the report.
Type of conflict	Declarable conflict of interest
Action Remain	Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias. Therefore, I will choose to remain in the meeting and participate in the briefing. However, I will respect the decision of the meeting on whether I can remain and participate in the discussions.

Moved Cr Brumpton **Seconded Cr Flynn**

That it is in the public interest that Councillor Davis participates and votes on agenda item 10.1 because a reasonable person would trust that the decision is made in the public interest.

NO VOTE TAKEN

No vote was taken on the draft procedural motion at that time, with further discussion undertaken regarding other potential conflicts. Cr Brumpton identified a conflict in relation to one of the topics listed in the report. This being the case, an alternate procedural motion was put forward-

Resolution No. OM/03.2026/19

Moved Cr Flynn **Seconded Cr Seawright**

That it is in the public interest that Councillor Davis participates and votes on agenda item 10.1 because a reasonable person would trust that the decision is made in the public interest.

CARRIED 6/0

CONFIRMED

Declaration of Interest

Item	10.1
Description	Upcoming Deputations and Briefing Topics / Councillor Briefings April 2026
Declaring Councillor	Meryl Brumpton
Person with the interest Related party / close associate / other relationship	Myself
Particulars of Interest	My daughter Erin Brumpton works at Roma library which will be mentioned in the Halloween Post Event Report.
Type of conflict	Declarable conflict of interest
Action	Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias. Therefore, I will choose to remain in the meeting and participate in the briefing. However, I will respect the decision of the meeting on whether I can remain and participate in the discussions.

Resolution No. OM/03.2026/20

Moved Cr Flynn **Seconded Cr Vincent**

That it is in the public interest that Councillor Brumpton participates and votes on agenda item 10.1 because a reasonable person would trust that the decision is made in the public interest.

CARRIED 5/1

Item Number: **10.1** **File Number: D26/25250**

SUBJECT HEADING: **UPCOMING DEPUTATIONS AND BRIEFING TOPICS | COUNCILLOR BRIEFINGS APRIL 2026**

Officer's Title: **Coordinator - Executive & Elected Member Support Services**

Executive Summary:
This report provided a summary of proposed topics scheduled for Councillor Briefings during the month of April 2026.

Resolution No. OM/03.2026/21

Moved Cr Davis **Seconded Cr Brumpton**

That Council receive and note the Officer's report as presented noting the addition to Quarries in the monthly reports and small business month in the briefing topics.

CARRIED 8/0

Responsible Officer	Coordinator - Executive & Elected Member Support Services

UNCONFIRMED

Section 150F A (2)(e) of the *Local Government Act 2009*
For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:
Cr. John Birkett, Cr. Meryl Brumpton, Cr. Amber Davis, Cr. Peter Flynn, Cr Johanne Hancock, Cr. Cameron O'Neil, Cr Brendan Seawright, Cr. Jane Vincent.

How each eligible councillors voted:
Each councillor voted in favour of the motion.

CORPORATE SERVICES

Item Number:	**11.1**	**File Number: D26/27360**
SUBJECT HEADING:	**MONTHLY FINANCIAL REPORT AS AT 28 FEBRUARY 2026**	
Officer's Title:	**Chief Financial Officer** **Director - Corporate Services** **Management Accountant** **Coordinator - Financial Planning & Performance**	

Executive Summary:
The purpose of this report is to present the monthly financial report to Council in accordance with section 204 of the Local Government Regulation 2012 for the period ended 28 February 2026.

Resolution No. OM/03.2026/22

Moved Cr Brumpton **Seconded Cr Davis**

That Council note the Monthly Financial Report for the period ended 28 February 2026.

CARRIED 8/0

REGIONAL DEVELOPMENT, ENVIRONMENT & PLANNING

Declaration of Interest

Item	**13.1**
Description	In-kind Assistance and Fee Waiver Request - Mitchell Show Society 2026 Annual Show
Declaring Councillor	Johanne Hancock
Person with the interest Related party / close associate / other relationship	Steven Hancock is my brother in law, and is the vice president of the Mitchell Show Society.
Particulars of Interest	Mitchell Show Society is requesting in kind assistance for the annual Mitchell Show 2026.
Type of conflict	Prescribed Conflict of Interest
Action	Leave the room while the matter is discussed and voted on.

Cr Hancock left the meeting at 9.27am.

UNCONFIRMED

Item Number:	**13.1**	**File Number: D26/21442**
SUBJECT HEADING:	**IN-KIND ASSISTANCE AND FEE WAIVER REQUEST - MITCHELL SHOW SOCIETY 2026 ANNUAL SHOW.**	
Location:	Mitchell	
Officer's Title:	**Local Development Officer - Mitchell**	

Executive Summary:
Council received a request from the Mitchell Show Society for a fee waiver and in-kind assistance to support the delivery of the 2026 Mitchell Show, scheduled for 11–12 May 2026.

Resolution No. OM/03.2026/23

Moved Cr Birkett **Seconded Cr Vincent**

That Council:

1. **Approve a fee waiver of $7,072 for the use of the Mitchell Showgrounds Shed and Grounds from 2–14 May 2026 for the Mitchell Show, with show dates scheduled for 11–12 May 2026.**

2. **Approve the in-kind assistance request for the following to the value of $4,333.20:**
   a. **Assistance with formatting and printing of the annual Show schedule**
   b. **Provision of a water truck and driver to aid dust suppression**
   c. **Provision of rubbish bins, including rubbish collection during and post-show**
   d. **Provision of the floating stage**
   e. **Cleaning of the toilets prior to the Show**
   f. **Supply of the Parenting Van for the duration of the Show**

3. **Require that Council be acknowledged in all forms of promotion of the event.**

4. **Draw associated costs for the use of the Showgrounds Shed from General Ledger 2887.2412.2132 - Internal Contributions - Community Service obligations for fee waivers.**

5. **Draw associated costs for the In-kind assistance to Work Order 2883.2014.2001 – In-kind assistance Mitchell operations.**

CARRIED 7/0

Responsible Officer	**Local Development Officer - Mitchell**

Section 150F A (2)(e) of the *Local Government Act 2009*
For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:
Cr. John Birkett, Cr. Meryl Brumpton, Cr. Amber Davis, Cr. Peter Flynn, Cr. Cameron O'Neil, Cr Brendan Seawright, Cr. Jane Vincent.

How each eligible councillors voted:
Each councillor voted in favour of the motion.

At cessation of discussion and decision on the abovementioned item, Cr Hancock returned to the meeting at 9.32am.

Item Number:	**13.2**	**File Number: D26/26595**
SUBJECT HEADING:	**SUPPORT FOR QUEENSLAND FRINGE TRAIL**	
Officer's Title:	**Coordinator – Tourism**	

Executive Summary:
Queensland Fringe Trail are requesting in-kind use of the Roma Cultural Centre on Tuesday 4 August 2026, and a financial contribution of $15,000 for their event in Roma as part of their inaugural trail.

The planned Roma event includes a 'hub' at the Roma Cultural Centre, with free entertainment outdoors, a variety show in the Ernest Brock Room, and a performance by an internationally recognised act in the auditorium.

Resolution No. OM/03.2026/24

Moved Cr Vincent **Seconded Cr Brumpton**

That Council:

1. **Provide in-principle support for the Queensland Fringe Trail Roma event, with $15,000 being included in the 2026/27 budget - cost centre GL 02883.2001.2001 Regional Events.**

2. **Approve the in-kind use of all areas of the Roma Cultural Centre on 4 August, including AV equipment, by the Queensland Fringe Trail.**

CARRIED 8/0

Responsible Officer	**Coordinator – Tourism**

Declaration of Interest

Item	**13.3**
Description	Tender 26035 – Big Rig Café Management Agreement
Declaring Councillor	Meryl Brumpton
Person with the interest Related party / close associate / other relationship	My Niece Alexia Thompson.
Particulars of Interest	My Niece is mentioned in the report.
Type of conflict	Declarable conflict of interest
Action	Leave the room while the matter is discussed and voted on.

Cr Brumpton left the meeting at 9.38am.

UNCONFIRMED

Item Number:	**13.3**	**File Number: D26/27847**
SUBJECT HEADING:	**TENDER 26035 - BIG RIG CAFE MANAGEMENT AGREEMENT**	
Location:	Roma	
Officer's Title:	**Property & Tenure Officer**	

Executive Summary:
Council publicly advertised Tender 26035, inviting suitably skilled, qualified and experienced businesses (or individuals) to submit documentation and propose an annual rental payment, to manage and operate the Big Rig Café, located on Riggers Road, Roma, also known as Part of Lot 1 on CP905212. The evaluation was presented for consideration.

Resolution No. OM/03.2026/25

Moved Cr Davis **Seconded Cr Hancock**

That Council:

1. **Accept Thiago Ferreira (Happy Batata Café) as the preferred Tenderer for Tender 26035 – Management and Operation of the Big Rig Café, located at 2 Riggers Road, Roma Qld 4455 for the tendered lease price of $7,200 Including GST (per annum) for an initial term of 2 years with 2 x 2 year options with annual CPI increases.**

2. **Authorise the Chief Executive Officer (or delegate), to enter into final negotiations and sign necessary documentation.**

CARRIED 7/0

Responsible Officer	**Property & Tenure Officer**

Section 150F A (2)(e) of the *Local Government Act 2009*
For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:
Cr. John Birkett, Cr. Amber Davis, Cr. Peter Flynn, Cr Johanne Hancock, Cr. Cameron O'Neil, Cr Brendan Seawright, Cr. Jane Vincent.

How each eligible councillors voted:
Each councillor voted in favour of the motion.

At cessation of discussion and decision on the abovementioned report, Cr Brumpton returned to the meeting at 9.42am.

LATE ITEMS

Item Number:	**L.1**	**File Number: D26/30174**
SUBJECT HEADING:	**UPDATED CONSIDERATION OF ELECTED MEMBER ATTENDANCE - 2026 LGAQ CIVIC LEADERS SUMMIT**	
Officer's Title:	**Coordinator - Executive & Elected Member Support Services**	

Executive Summary:
Formalisation of elected member attendance at an upcoming conference as part of advocacy activities and/or enhancing strategy and policy development for Maranoa Regional Council.

Resolution No. OM/03.2026/26	
Moved Cr Davis	**Seconded Cr Brumpton**
That Council endorse the attendance of Cr Hancock at the LGAQ Civic Leaders Summit on 25 – 26 March in Brisbane.	
CARRIED	8/0

Responsible Officer	**Coordinator - Executive & Elected Member Support Services**

Item Number: **L.2** **File Number: D26/25269**

SUBJECT HEADING: **MONTHLY REPORT | MEETING ACTIONS UPDATE - FEBRUARY 2026 & OUTSTANDING ACTIONS**

Officer's Title: **Coordinator – Executive & Elected Member Support Services**

Executive Summary:
The purpose of this report is to provide Council with an update on the status of Council meeting actions for the month of February 2026, and an update on outstanding actions in progress from the beginning of this term of Council.

Resolution No. OM/03.2026/27	
Moved Cr Hancock	**Seconded Cr Flynn**
That Council receive and note the Officer's report as presented.	
CARRIED	8/0

Responsible Officer	**Coordinator - Executive & Elected Member Support Services**

Item Number: **L.3** **File Number: D26/26708**

SUBJECT HEADING: **BOORINGA SHIRE HALL AMBY - MURAL PROJECT**

Officer's Title: **Manager - Facility & Property Services**

Executive Summary:
The Queensland Country Women's Association Amby Branch requested approval to proceed with the proposed mural project on the exterior of the Booringa Shire Hall, Amby.

Council provided in principle support for the project; the mural design was presented for Council's consideration.

UNCONFIRMED

Resolution No. OM/03.2026/28

Moved Cr Brumpton **Seconded Cr Birkett**

That Council:

1. **Approve the project for the mural design for the Booringa Shire Hall, Amby and precinct buildings, subject to:**

   a) **The CEO approving the final design.**

   b) **Confirmation that Council's requirements (as per resolution OM/03.2026/10) have been met and RSL approval has been given.**

2. **Approve the allocation of $16,850 (Ex GST) for the preparation and painting from Work Order 25951.**

[Wording refined a number of times following progressive discussions.]

CARRIED 8/0

Responsible Officer	**Manager - Facility & Property Services**

Item Number: **L.4** **File Number: D26/29871**

SUBJECT HEADING: **MASTER BUILDERS AWARDS - THE WHEAT SHED, WALLUMBILLA**

Officer's Title: **Senior Project Officer - Capital Program Delivery**

Executive Summary:
SM & KA Duff Builders requested permission to submit The Wheat Shed, Wallumbilla as an entry into the 2026 Master Builders Awards.

Principal contractor SM & KA Duff Builders will be submitting the entry provided Council's endorsement is received.

Resolution No. OM/03.2026/29

Moved Cr Hancock **Seconded Cr Birkett**

That Council:

1. **Endorse the submission by SM & KA Duff Builders for the entry of The Wheat Shed, Wallumbilla as an entry to the 2026 Master Builders Awards.**

2. **Authorise the Chief Executive Officer (or delegate) to sign the Owner's documentation required for the submission.**

CARRIED 8/0

Responsible Officer	**Senior Project Officer - Capital Program Delivery**

CONFIRMED

Declaration of Interest

Item	L.5
Description	Brigalow Discovery Centre | Contribution to Concept Development
Declaring Councillor	Cameron O'Neil
Person with the interest Related party / close associate / other relationship	Deb Joppich
Particulars of Interest	Deb Joppich is General Manager of Roma Commerce & Tourism (RCAT) and is a personal friend. RCAT is mentioned in the report and are an organisation represented on the steering committee of this project.
Type of conflict	Declarable conflict of interest
Action	Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias. Therefore, I will choose to remain in the meeting. However, I will respect the decision of the meeting on whether I can remain and participate in the decision.

Resolution No. OM/03.2026/30

Moved Cr Davis **Seconded Cr Brumpton**

That it is in the public interest that Councillor O'Neil participates and votes on agenda item L.5 because a reasonable person would trust that the decision is made in the public interest.

CARRIED 7/0

Item Number: **L.5** **File Number: D26/29659**

SUBJECT HEADING: **BRIGALOW DISCOVERY CENTRE | CONTRIBUTION TO CONCEPT DEVELOPMENT**

Officer's Title: **Deputy CEO - Strategic Roads, Airports & Major Projects**

Executive Summary:

The Brigalow Discovery Centre is a proposed regional initiative focused on environmental education, agriculture, and tourism, aimed at showcasing the unique ecological and cultural values of the Brigalow Belt.

Council has previously provided in-principle support for the project and participated in its ongoing development through a Steering Committee. Since that time, further discussions with stakeholders, including representatives of the Queensland Government, have indicated interest in the project, particularly in relation to potential future partnerships at the construction and delivery stage.

While the concept has been positively received, the project remains at an early stage of development, with limited supporting material available to clearly define its scope, scale, and cost. This has constrained the ability to effectively engage stakeholders, build community support, and pursue external funding opportunities.

The concept design phase represents the next critical step in progressing the project, providing concept drawings, architectural perspectives, and a high-level cost estimate to support future decision-making. This stage is estimated to cost approximately $50,000, and a contribution from Council towards this stage has been requested, with additional funding secured and discussions ongoing with industry partners to secure the remaining balance.

UNCONFIRMED

This report provided an update on the project, outlined the proposed funding request and next stages, and was presented for Council's consideration.

Resolution No. OM/03.2026/31

Moved Cr Vincent **Seconded Cr Brumpton**

That Council:

1. **Receive the report as an update on the progress of the Brigalow Discovery Centre project.**

2. **Approve an allocation of up to $30,000 from savings within the 2025/26 Capital Works Program towards the concept design stage of the project, contributing to a total estimated project cost of $50,000.**

3. **Note that discussions are ongoing, and that Council will continue to provide advocacy with industry partners to secure the remaining funding required to complete this stage.**

[Cr O'Neil proposed an amendment to the budget allocation specified in point 2, which was accepted by the 'mover' and 'seconder'].

CARRIED 8/0

Responsible Officer	**Deputy CEO - Strategic Roads, Airports & Major Projects**

CONFIDENTIAL ITEMS

Resolution No. OM/03.2026/32

Moved Cr Brumpton **Seconded Cr Davis**

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012,* that Council resolve to close the meeting to the public at [10.12am] to discuss confidential items that its Councillors consider is necessary to close the meeting.

In accordance with Section 254J(5) of the *Local Government Regulation 2012*, the following table provides:

- **The matters to be discussed;**
- **An overview of what is to be discussed while the meeting is closed.**

Agenda Item	Matters to be discussed (Reasons to close the meeting under the *Local Government Regulation 2012)*	*Overview*
C.1 – Disposal of Council Land – Stage 1A Police Paddock Development	**Section 254J(3)(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests**	**Council has progressed Stage 1A of the Police Paddock residential development to a point where a decision is required on the disposal of five (5) newly created lifestyle residential lots fronting Richardson Lane, Roma . The Stage 1A subdivision forms part of Council's broader Police Paddock**

	of the local government.	**development, which is being delivered with the support of approximately $10 million in funding under the Queensland Government's Residential Activation Fund.** **Subdivision works for Stage 1A are substantially complete, with remaining services scheduled to be finalised in early 2026. Under the *Local Government Regulation 2012*, Council is required to determine the method by which a valuable non-current asset is to be disposed of.** **This report outlines the legislative framework, valuation advice received and disposal options available to Council. Council is asked to determine the preferred disposal method for the Stage 1A lots and, if required, setting a reserve price to enable the works to continue and the land released to the market.**
LC.1 – Tender Award 26037: Womblebank Gap Road Safety Upgrade (Dingo Barrier Grid)	**Section 254J(3)(c)(g) the local government's budget: AND Section 254J(3)(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.**	**Maranoa Regional Council invited suitably qualified and experienced contractors to submit lump sum tenders for the construction of the Womblebank Gap Road Safety Works (CH 6300–6800m), jointly funded by the Queensland Government under the Transport Infrastructure Development Scheme (TIDS) and Council.** **Tender 26037 was released via VendorPanel on 6 February 2026 and closed on 2 March 2026, with three (3) conforming tenders received.** **This report outlines the tender evaluation process undertaken in accordance with Council's procurement requirements and presents a recommendation for award.**
LC.2 – Tender Award 26032: 2025/26 Bitumen Reseal Program	**Section 254J(3)(c)(g) the local government's budget: AND Section 254J(3)(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.**	**Council invited suitably qualified and experienced contractors to submit schedule of rates pricing for bitumen resealing of Council's urban street and rural road sealed road network. This work – termed the Annual Bitumen Reseal Program – is a key aspect of Council's sealed roads asset renewal strategy.** **Tender 26032 opened on 11 February 2026 and closed on 03 March 2026. A total of five (5) businesses submitted tenders, and all submissions were deemed to be conforming tenders. This report summaries the evaluation process and recommended tenderer for Tender 26032.**

		Bitumen sealing works are very sensitive to world oil price changes because the primary material input (bitumen) is a by-product of the oil refining process. This report provides analysis of various options available to Council, in terms of how much of the annual bitumen reseal program is awarded for delivery at this time.
CARRIED		8/0

COUNCIL ADJOURNED THE MEETING
FOR MORNING TEA AT 10.29am

SUBJECT HEADING: RESUMPTION OF STANDING ORDERS
COUNCIL RESUMED THE MEETING IN CLOSED SESSION AT 11.00am

Resolution No. OM/03.2026/33

Moved Cr Brumpton **Seconded Cr Flynn**

That Council open the meeting to the public [at 11.01am].

CARRIED 8/0

Item Number: **C.1** **File Number: D26/4833**

SUBJECT HEADING: **DISPOSAL OF COUNCIL LAND - STAGE 1A POLICE PADDOCK DEVELOPMENT**

Officer's Title: **Deputy CEO - Strategic Roads, Airports & Major Projects**

Executive Summary:
Council has progressed Stage 1A of the Police Paddock residential development to a point where a decision is required on the disposal of five (5) newly created lifestyle residential lots fronting Richardson Lane, Roma

.
The Stage 1A subdivision forms part of Council's broader Police Paddock development, which is being delivered with the support of approximately $10 million in funding under the Queensland Government's Residential Activation Fund.

Subdivision works for Stage 1A are substantially complete, with remaining services scheduled to be finalised in early 2026. Under the Local Government Regulation 2012, Council is required to determine the method by which a valuable non-current asset is to be disposed of.

This report outlined the legislative framework, valuation advice received and disposal options available to Council. Council is asked to determine the preferred disposal method for the Stage 1A lots and, if required, setting a reserve price to enable the works to continue and the land released to the market.

UNCONFIRMED

Resolution No. OM/03.2026/34

Moved Cr Flynn **Seconded Cr Davis**

That Council:

1. **Receive and note the report as an update on the Police Paddock Development, and more specifically Stage 1A, being the five (5) lifestyle residential lots fronting Richardson Lane.**

2. **Approve the disposal of the five (5) Stage 1A Police Paddock lifestyle residential lots as per Option 2 – Disposal by Tender, in accordance with section 227 of the *Local Government Regulation 2012.***

CARRIED 8/0

Responsible Officer	**Deputy CEO - Strategic Roads, Airports & Major Projects**

LATE CONFIDENTIAL ITEMS

Item Number:	**LC.1**	**File Number: D26/25908**
SUBJECT HEADING:	**TENDER AWARD 26037: WOMBLEBANK GAP ROAD SAFETY UPGRADE (DINGO BARRIER GRID)**	
Officer's Title:	**Deputy CEO - Strategic Roads, Airports & Major Projects**	

Executive Summary:
Maranoa Regional Council invited suitably qualified and experienced contractors to submit lump sum tenders for the construction of the Womblebank Gap Road Safety Works (CH 6300–6800m), jointly funded by the Queensland Government under the Transport Infrastructure Development Scheme (TIDS) and Council.

Tender 26037 was released via VendorPanel on 6 February 2026 and closed on 2 March 2026, with three (3) conforming tenders received.

This report outlined the tender evaluation process undertaken in accordance with Council's procurement requirements and presents a recommendation for award.

Resolution No. OM/03.2026/35

Moved Cr Brumpton **Seconded Cr Vincent**

That Council:

1. **Appoints Cooper McCullough Group Pty Ltd (ABN 62 644 700 989) as the preferred tenderer for Tender Award 26037: Womblebank Gap Road Safety Upgrade for $746,961.21 excl GST.**

2. **Authorise the Chief Executive Officer (or delegate) to execute the contract documents and notify all tenderers of the outcome.**

CARRIED 8/0

Responsible Officer	**Deputy CEO - Strategic Roads, Airports & Major Projects**

CONFIRMED

Item Number:	**LC.2**	**File Number: D26/17191**
SUBJECT HEADING:	**TENDER AWARD 26032: 2025/26 BITUMEN RESEAL PROGRAM**	
Officer's Title:	**Manager – Roads Strategy**	

Executive Summary:
Council invited suitably qualified and experienced contractors to submit schedule of rates pricing for bitumen resealing of Council's urban street and rural road sealed road network. This work – termed the Annual Bitumen Reseal Program – is a key aspect of Council's sealed roads asset renewal strategy.

Tender 26032 opened on 11 February 2026 and closed on 03 March 2026. A total of five (5) businesses submitted tenders, and all submissions were deemed to be conforming tenders. This report summaries the evaluation process and recommended tenderer for Tender 26032.

Bitumen sealing works are very sensitive to world oil price changes because the primary material input (bitumen) is a by-product of the oil refining process. This report provided analysis of various options available to Council, in terms of how much of the annual bitumen reseal program is awarded for delivery at this time.

Resolution No. OM/03.2026/36

Moved Cr Davis **Seconded Cr Brumpton**

That Council:

1. **Appoints Austek Spray Seal Pty Ltd as the preferred tenderer for Tender 26032 2025-2026 Bitumen Reseal Program, for a contract sum of $829,868.94 (Excluding GST).**

2. **Authorises the Chief Executive Officer (or delegate) within the approved budget to negotiate and, if acceptable terms are reached, execute the contract documents and notify all tenderers of the outcome.**

3. **Notes the intention to deliver only critical resealing works before 30 June 2026, in response to current market volatility, while deferring the remaining budget and scope for potential delivery in Quarter 1 and Quarter 2 of the 2026/2027 financial year**

4. **Approves the carrying-over of any remaining funds from Work Order 25982 Rural Road Reseal Program 2025/2026 and Work Order 25991 Urban Road Reseal Program 2025/2026 into financial year 2026/2027, to allow all deferred project scope to be delivered in 2026/2027.**

CARRIED 8/0

Responsible Officer	**Manager – Roads Strategy**

CLOSURE

There being no further business, the Chair thanked Council for their attendance and declared the meeting closed at 11.14am.

These Minutes are to be confirmed at the next Ordinary Meeting of Council to be held on 9 April 2026, at Roma Administration Centre.

NOTICE OF REPEAL OR AMENDMENT OF RESOLUTION

Meeting: Ordinary 9 April 2026 **Date:** 24 March 2026

Item Number: 8.1 **File Number:** D26/30941

SUBJECT HEADING: Maranoa and Western Downs Regional Council Colloboration

Classification: Open Access

Officer's Title: Deputy CEO - Strategic Roads, Airports & Major Projects

Original Resolution Meeting Date: 10/07/2024

Original Resolution Number: **OM/07.2024/28**

Original Resolution:

That Council:

1. **Approve for the Mayor to write to Western Downs Regional Council seeking to establish an executive collaboration working group between the two Councils.**

2. **Give in principle support to the structure including:**
   - **Mayor, Deputy Mayor and CEO (or delegate) as core members;**
   - **Meet twice yearly, alternating being regions;**
   - **Meeting Chair to be the host Mayor;**
   - **Annually hold a full Council session between Maranoa Regional Council and Western Downs Regional Council to foster networking and relationship building.**
   - **Establish a one-page terms of reference at the first meeting to ensure the focus is defined early and can guide future discussions.**

Recommendation:
That Council amend Resolution Number **OM/07.2024/28** to read as follows:

That Council:

1. **Approve for the Mayor to write to Western Downs Regional Council seeking to establish an executive collaboration working group between the two Councils.**

2. **Give in principle support to holding an annual full Council session between Maranoa Regional Council and Western Downs Regional Council, alternating between regions, to foster networking and relationship building.**

Background:

Note: Action 1 of the original resolution—being for the Mayor to write to Western Downs Regional Council seeking to establish an executive collaboration working group—has been enacted and therefore remains unchanged.

The original resolution (OM/07.2024/28) was adopted on 10 July 2024, early in the current Council term, when there was a strong desire to proactively establish closer collaboration between Maranoa Regional Council and Western Downs Regional Council.

The intent of the resolution was to formalise this collaboration through an executive working group, recognising the significant alignment between the two regions.

This includes shared challenges associated with managing extensive road networks across relatively small populations, the operation of commercial business activities (such as quarries, saleyards and gas-related infrastructure), and the renewal of ageing long-life infrastructure including water, sewerage and community facilities.

There was also a recognised opportunity to strengthen collective advocacy and explore efficiencies through joint procurement and shared approaches.

Since that time, further engagement has occurred between the two Councils through a range of existing regional forums and networking opportunities.

These engagements have demonstrated that there are already effective and regular avenues for collaboration, including but not limited to:

- Darling Downs Council of Mayors (DDCOM);
- Toowoomba and Surat Basin Enterprise (TSBE) events and Enterprise Evenings;
- Local Government Association of Queensland (LGAQ) Annual Conference; and
- Other LGAQ and regional forums.

Through participation in these established channels, both Councils have continued to build relationships, share insights, and identify common challenges and opportunities—consistent with the original intent of the resolution.

It is now recognised that these existing mechanisms provide a practical and efficient means of achieving the intended outcomes of collaboration, without the need to establish a formal executive working group with defined terms of reference.

Importantly, this does not represent a change in strategic direction. Instead, it reflects a more informed and flexible approach to achieving the original objective of strengthening inter-Council collaboration. This approach also recognises that existing pathways are proving effective, without the need for additional governance structures.

Supporting Documentation:

Nil

Notice prepared by: Deputy CEO - Strategic Roads, Airports & Major Projects

OFFICER REPORT

Meeting: Ordinary 9 April 2026 **Date:** 24 March 2026

Item Number: 10.1 **File Number:** D26/30553

SUBJECT HEADING: Consideration of Elected Member Attendance - 2026 LGAQ Bush Councils Convention

Classification: Open Access

Officer's Title: Lead Officer - Elected Members & Community Engagement

---

Executive Summary:
Formalisation of elected member attendance at an upcoming conference as part of advocacy activities and/or enhancing strategy and policy development for Maranoa Regional Council.

Officer's Recommendation:
That Council:

1. Endorse the attendance of available Councillors at the LGAQ Bush Councils Convention on 26 – 28 May in Longreach.

2. Draw the required funds from attending individual Councillor Conference budgets.

Context (*Why is the matter coming before Council?):*

For endorsement of Councillor attendance at the LGAQ Bush Councils Convention.

Background *(Including any previous Council decisions):*

2026 LGAQ Bush Councils Convention

The LGAQ Bush Councils Convention is a unique event in local government in Australia which brings together mayors, deputy mayors, councillors, CEO's and senior officers from across rural and remote Queensland.

The 3-day convention contains valuable content, compelling guest speakers, sector experts and presentations from council leaders who will share their experiences, explore key issues that shape regional communities through practical workshops, forums and panel discussions that are focused on solutions and shared challenges.

The LGAQ Bush Councils Convention is an important opportunity to strengthen the partnerships that support communities across the Outback and beyond.

At the time of writing this report the draft program is still under development and not yet available.

A number of Councillors have confirmed their interest in attending this upcoming industry summit.

Options Considered:

1. Attendance at this event
2. Non attendance at this event

Recommendation:

That Council:

1. Endorse the attendance of available Councillors at the LGAQ Bush Councils Convention on 26 – 28 May in Longreach.

2. Draw the required funds from attending individual Councillor Conference budgets.

Risks:

Risk	Description of likelihood & consequences
Mitigated	The act requires that elected Councillor's attendance at conferences and deputations be permitted by the local government. Unauthorised Councillor attendance at conferences could compromise insurance entitlements should circumstances arise that lead to the submission of an insurance claim.
Potential missed opportunity to represent the interests of Maranoa Regional Council	Through non-attendance at these key industry event. This is mitigated by attendance.

Policy and Legislative Compliance:

Expenses Reimbursement Policy (Councillors)

Budget / Funding ***(Current and future):***

2026 LGAQ Bush Councils Convention

Item	Estimated Cost (per person)
Convention registration	$990
Convention Networking Event	$ 80
Convention Dinner	$150
Accommodation	$300 per night (3 nights $900)
Incidentals estimate	$150
Travel - Flights and/or mileage	Estimate not yet not yet able to be determined as car pooling arrangements have not yet been confirmed
Total estimate	**$1520 per person (excluding travel costs)**

Timelines / Deadlines*:*

Attendances need to be endorsed prior to conference / meeting date.

Consultation ***(Internal / External):***

Councillors of Maranoa Regional Council.

Strategic Asset Management Implications:
(If applicable, outline changes to whole of life costs and / or level of service)

N/a

Acronyms:

Acronym	Description
LGAQ	Local Government Association of Queensland Ltd

Addition to Operational or Corporate Plan:

Plan Description	Yes / No
Operational	No
Corporate	No

Link to Corporate Plan:
Corporate Plan 2023-2028
Corporate Plan Pillar 4: Accountability
4.3 Leadership development program

Supporting Documentation:
Nil.

Report authorised by:
Chief Executive Officer

OFFICER REPORT

Meeting: Ordinary 9 April 2026 **Date:** 4 March 2026

Item Number: 11.1 **File Number:** D26/22201

SUBJECT HEADING: Local Laws Review

Classification: Open Access

Officer's Title: Governance Officer

Executive Summary:

Council has undertaken a substantive review of its Local Law suite. On 9 October 2025, Council adopted a Local Law Making Process, endorsed proposed amendments to the Local Law suite and directed State interest Checks and public consultation. This Report addresses Steps 2 – 4 in the Local Law Making Process.

Officer's Recommendation:

Council resolves:

1. To adopt the Public Interest Test Report as set out in **Attachment C**;

2. To adopt, pursuant to Section 29 of the *Local Government Act 2009*, the following amending instruments (as set out in **Attachment D**) which are to commence on the date that the notice is published in the gazette:

   (a) Administration (Amendment) Local Law No. 1 2026
   (b) Animal Management (Amendment) Local Law No. 1 2026
   (c) Community and Environmental (Amendment) Local Law No. 1 2026
   (d) Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law No. 1 2026
   (e) Parking (Amendment) Local Law No. 1 2026
   (f) Operation of Saleyards (Amendment) Local Law No. 1 2026
   (g) Aerodromes (Amendment) Local Law No. 1 2026
   (h) Waste Management (Amendment) Local Law No. 1 2026
   (i) Animal Management (Amendment) Subordinate Local Law (No. 1) 2026
   (j) Community and Environmental (Amendment) Subordinate Local Law (No. 1) 2026
   (k) Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2026
   (l) Parking (Amendment) Subordinate Local Law (No. 1) 2026

3. To adopt, pursuant to section 32 of the *Local Government Act 2009*, a consolidated version of the following local laws (as set out in **Attachment E**), which incorporate the amendments in resolution 2:

    (a) Local Law No. 1 (Administration) 2011;
    (b) Local Law No. 2 (Animal Management) 2011;
    (c) Local Law No. 3 (Community and Environmental Management) 2011;
    (d) Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;
    (e) Local Law No. 5 (Parking) 2011;
    (f) Local Law No. 6 (Operation of Saleyards) 2011;
    (g) Local Law No. 7 (Operation of Aerodromes) 2011;
    (h) Local Law No. 8 (Waste Management) 2018.
    (i) Subordinate Local Law No. 2 (Animal Management) 2011;
    (j) Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
    (k) Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;
    (l) Subordinate Local Law No. 5 (Parking) 2011;

4. To adopt, pursuant to Section 29 of the *Local Government Act 2009*, the following repealing instrument (as set out in **Attachment F**) which are to commence on the date that the notice is published in the gazette:

    (a) Local Law (Repealing) Local Law No. 1 2026

5. To adopt, pursuant to Section 29 of the *Local Government Act 2009*, the new subordinate local law (as set out in **Attachment G**), which are to commence on the date that the notice is published in the gazette:

    (a) Subordinate Local Law No. 1 (Administration) 2026

6. To delegate power to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, to take all steps necessary to comply with the requirements for publication set out in section 29B of the Local Government Act 2009 which includes providing advice to the Department.

Context (*Why is the matter coming before Council?):*

The last full review of Council's Local Laws occurred in 2011. There have been amendments to some of the Local Laws since that time but given changes in the Model Local Laws and legislation, a full review was considered necessary.

Background *(Including any previous Council decisions):*

Council's Local Law making powers are regulated by the Local Government Act and Local Government Regulation. An extract of the relevant provisions are at provided in **Attachment A**.

Currently, Council's suite of Local Laws comprise 30 documents being:

1. Local Laws - 8
2. Subordinate Local Laws – 22

In 2024, Council engaged MacDonnells Law to:

a) Undertake a review of its Local Laws to ensure compliance with the Model Local Laws published by the Department of Local Government, Water and Volunteers;
b) Review the relevant legislation referred to in the Local Laws to ensure it was up to date; and
c) Consult with Council officers in relation to any changes or improvements they required.

In addition, a number of issues to facilitate updates were discussed at Council Workshops which occurred on 7 May 2025 and 13 August 2025. The above has now been completed with any proposed changes tracked. It is proposed that Council's updated suite of Local Laws comprise 13 documents being:

1. Local Laws – 8
2. Subordinate Local Laws:
    a. 4 Subordinate Local Laws – updated and retained;
    b. 1 New Subordinate Local Law which consolidates and updates the existing 18 Subordinate Local Laws.

On 9 October 2025, Council adopted a Local Law Making Process, endorsed proposed amendments to the Local Law suite and directed State interest Checks and public consultation occur. A copy of the Local Law Making Process that was adopted by Council on 9 October 2025 is provided at **Attachment B**.

Report on Step 2 of Council's Local Law Making Process

Community Consultation

On 24 October 2025, pursuant to the Local Law Making Process, Council caused a notice to be published in the Maranoa Today, on its Website and on Council notice boards seeking feedback on the amendments to the Local Law suite.

No feedback was received.

Consultation with State Government Agencies

As part of its State Interest Check, Council officers wrote to 22 State Departments. The Department of Local Government, Water and Volunteers (**DLGWV**) advised that Amending Instruments were required. The Amending Instruments for the Local Law suite were prepared and provided and the Amending Instruments for the Local Laws (not the Amending Instruments for the Subordinate Local Laws) were reviewed by the DLGWV.

Discussions were held with DLGWV who confirmed no further consultation was required and it was now a matter for the Local Government to consider the feedback provided. A number of other State Departments also provided feedback

Other Consultation - Queensland Bee Keepers Association.

In January as part of reviewing the changes to bee-keeping requirements, Council officers wrote to the Queensland Bee Keepers Association who provided their response.

Consideration and summary of feedback

The following table summarises the substantive feedback received about the content of the proposed Local Law Suite and the recommended response to that feedback.

Local Law 1			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
DLGWV	Minor drafting	Refer to legislation by Full Title	No change recommended. The change was made to avoid further updates being required if legislative changes occur.
Department of Public Housing	Definition – 'owner'	Department queried definition of 'owner' listed in new local law 1 which provides as set out below and whether it could mean an Agent. *owner, of premises, means the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.*	The definition was used previously in subordinate legislation. We think there is limited risk as the Agent is always just an agent of the owner. No change recommended.
Local Law 2			
Comment From	**Issue**	**Comment**	**PROPOSED Response**

DLGWV	Minor drafting	Refer to legislation by Full Title	No change recommended. Change was made to keep consistent with the balance of the Local Law.
Local Law 3			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
DLGWV	Minor drafting	Refer to legislation by Full Title	No change recommended. Change was made to keep consistent with the balance of the Local Law.
	Maintenance of Premises	*"In the department's view, this is beyond power for council, particularly with respect to section 14A(2)(a) and (b).* *It may be that the local governments have power to deal with disrepair and dilapidated buildings where there is a risk to safety by virtue of state legislation.* *This power should not be replicated in a local law."*	Discussions occurred with the DLGWV after receipt of this correspondence. DLGWV advised that it is a matter for Council whether they retain this change. No members of the public have raised concern and many other Councils have similar provisions. No change recommended.
Local Law 4			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
NIL			
Local Law 5			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
NIL			
Local Law 6			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
DLGWV	Minor drafting	Refer to legislation by Full Title.	Not recommended

			was removed to avoid updates being required if legislative changes occur.
	Corrections	Amendments to Contents - section 18 deletion is not noted. Section 16 (3) amendment – has a typo with 'thirty (3) days' being stated and no insertion of 3(a) Numbering errors in amendments, for example: Section 16(3)(a) deleted, and renumbered (4) and (5) to be (3) and (4) Section 21(8) – Footnote 3 'See footnote 2' - footnote has been amended but not marked up.	Recommended and have been done. Formatting errors will be corrected when tracked changes are accepted.
		Review clarity of amendment wording relating to footnotes, for example - section 4(1) – 6(1) Footnote 1 and footnote 1 – *omit* Consider rewording footnotes, for example as footnote marker 1 (or 1) and footnote 1.	Recommended and have been done.
	Corrections	A number of typographical errors were noted throughout the local law. Formatting and structural issues were noted throughout the proposed local law.	Recommended and have been done. Formatting errors will be corrected when tracked changes are accepted.

		It is recommended that additional proof reading, structural work and formatting occur prior to adopting the local law.	
Biosecurity Queensland (animal security) through Department of Primary Industries	Definition	*"Section 8 references 'animal care and protection legislation'. As the NLIS and biosecurity management plans are relevant to saleyards, it may be beneficial to reference 'biosecurity legislation' here."*	Recommended and definition has been updated to ensure animal care and protection legislation incorporates Animal Care and Protection Act and Biosecurity Act.
	Liability	They suggested that it may be worthwhile to clearly define, that the saleyard manager/local government cannot be held liable for losses or responsible for stock if they are abandoned at the saleyards in the event of loss of value resulting from an emergency animal disease (EAD) incident; or a refusal to take delivery of stock purchased at sale during an EAD.	No further change recommended. Given the above change in definition – clause 20 reflects the ability to take whatever steps are required.
Local Law 7			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
NIL			
Local Law 8			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
NIL			
Repealing Local Law			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
DLGWV	Minor drafting	Recommended title change Minor corrections.	Recommended and done.

Subordinate Local Law 1			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
Council officer	Advertising Device Criteria	Subordinate Local Law No.1 (administration): Schedule 10.1, Section 2.2(a) Criteria for a mobile sign current provides that face area must not exceed 2.5m2 . Would like to change to 1m2 because the current size is impractical for the width of the streets and footpaths. This would also be consistent with other regional Councils.	Recommended and done. Was not the subject of public consultation or state interest check. Do not consider further consultation is required given the minor nature of the amendment.
Council officer	Public Liability Insurance Amount	Subordinate Local Law No.1 (administration): Schedule 10.1, Section 4.2 (f) (Page 43) Increase public liability insurance from $10m to $20m because industry standard, Council requests that due to businesses having a high exposure to the public, or those involved in local government contracts, projects, or activities on Council property must maintain a $20 million liability coverage.	Recommended and done. Again, was not the subject of public consultation or state interest check. Do not consider further consultation is required given the nature of the amendment reflects industry standard.
Subordinate Local Law 2			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
Queensland Bee Keepers Association	Comment	Commented that the Council approval process should not be too difficult and should be at minimal cost.	Note
	Include reference to HIN	Note that HIN number There should be a caveat that if hives are located in a place other than the owner's place of residence, then this provision applies. They	Recommended and done.

		will need to out their HIN number on as per Section 158 of the Biosecurity Act and 159.	
Subordinate Local Law 3			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
NIL			
Subordinate Local Law 4			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
Department of Police and Emergency Services D25/120703	Correction / Improvement	In schedule 7 (Dictionary), the definition of 'emergency services officer', subparagraph (e) recommended removing subparagraph entirely.	Recommended and done – delete subparagraph (e) and update Schedule 1, Item 1.
	Correction / Improvement	In schedule 7 (Dictionary), the definition of 'emergency services officer', subparagraph (c), suggest extend to Queensland Police Service and officer of a police service of the Commonwealth or another State or Territory to avoid confusion	Recommended and done.
	Correction / Improvement	In schedule 7 (Dictionary), the definition of 'emergency services officer', subparagraph (f) (now (e)) - suggested it may be more appropriate to include an officer, employee or member of a government or other entity whose functions include managing or carrying out activities in response to a disaster or emergency situation.	Recommended and done.
	Application of other legislation	Schedule 1 (Prohibited activities for local government-controlled areas or roads), Item 1, page 5, appears to provide an absolute prohibition on any person	Recommended and have made this provision subject to the Acts mentioned.

		taking part in a protest in all local government controlled areas within the local government area. Given this affects rights contained within the Peaceful Assembly Act 1992 and the Human Rights Act 2019, consideration should be given to obtaining independent legal advice to ensure compliance with these competing interests if not already sought.	
	Spelling Error	Schedule 1 (Prohibited activities for local government-controlled areas or roads), Item 4, 5, 8 & 9, pages 7-8 & 11-12, references behaving in a righteous manner, however, this may be a typographical error. Should this reference be behaving in a riotous manner.	Recommended and done.
Subordinate Local Law 5			
Comment From	**Issue**	**Comment**	**PROPOSED Response**
NIL			

Report on Step 3 of Council's Local Law Making Process

A copy of Council PIT Report is at **Attachment C**.

Amending Instruments, Consolidated Local Laws, Repealing Local Law and New Subordinate Local Law

Consistent with the above PROPOSED Response, attached to this report are:

1. The proposed Amending Instruments are set out in **Attachment D;**
2. The Proposed Consolidated Amended Local Laws and Subordinate Local Laws are set out in **Attachment E**;
3. The repealing local law which repeals Subordinate Local Laws 1.1 – 1.18 is set out at **Attachment F**;
4. The new Subordinate Local Law is set out at **Attachment G**.

Human Rights Statement

When making its decisions in this matter, Council (as a public entity) must comply with the obligations in the *Human Rights Act 2019 (Qld)* (**HR Act**). The HR Act requires Council when making its decisions not to act or make a decision in a way that is incompatible with human rights or to fail to give proper consideration to a human right relevant to the decision (See Section 58 of the HR Act).
We have given proper consideration to the human rights as listed in Division 2 and Division 3 of Part 2 of the HR Act and particularly to the following human rights when making our recommendations contained in this report:

a. Section 24 – Property rights
b. Section 25 – Privacy and reputation

We consider our recommended findings and decisions are compatible with the human rights listed in the Act including having regard to the factors set out in Section 13 of the HR Act.

The relevant provisions of the HR Act are set out in **Attachment A**.

Options Considered:

Not Applicable

Recommendation:

It is recommended that Council resolves to do the following:

1. To adopt the Public Interest Test Report as set out in **Attachment C**;

2. To adopt, pursuant to Section 29 of the *Local Government Act 2009*, the following amending instruments (as set out in **Attachment D**) which are to commence on the date that the notice is published in the gazette:

(a) Administration (Amendment) Local Law No. 1 2026
(b) Animal Management (Amendment) Local Law No. 1 2026
(c) Community and Environmental (Amendment) Local Law No. 1 2026
(d) Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law No. 1 2026
(e) Parking (Amendment) Local Law No. 1 2026
(f) Operation of Saleyards (Amendment) Local Law No. 1 2026
(g) Aerodromes (Amendment) Local Law No. 1 2026
(h) Waste Management (Amendment) Local Law No. 1 2026
(i) Animal Management (Amendment) Subordinate Local Law (No. 1) 2026
(j) Community and Environmental (Amendment) Subordinate Local Law (No. 1) 2026
(k) Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2026
(l) Parking (Amendment) Subordinate Local Law (No. 1) 2026

3. To adopt, pursuant to section 32 of the *Local Government Act 2009*, a consolidated version of the following local laws (as set out in **Attachment E**), which incorporate the amendments in resolution 2:

   (a) Local Law No. 1 (Administration) 2011;
   (b) Local Law No. 2 (Animal Management) 2011;
   (c) Local Law No. 3 (Community and Environmental Management) 2011;
   (d) Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;
   (e) Local Law No. 5 (Parking) 2011;
   (f) Local Law No. 6 (Operation of Saleyards) 2011;
   (g) Local Law No. 7 (Operation of Aerodromes) 2011;
   (h) Local Law No. 8 (Waste Management) 2018.
   (i) Subordinate Local Law No. 2 (Animal Management) 2011;
   (j) Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
   (k) Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;
   (l) Subordinate Local Law No. 5 (Parking) 2011;

4. To adopt, pursuant to Section 29 of the *Local Government Act 2009*, the following repealing instrument (as set out in **Attachment F**) which are to commence on the date that the notice is published in the gazette:

   (a) Local Law (Repealing) Local Law No. 1 2026

5. To adopt, pursuant to Section 29 of the *Local Government Act 2009*, the new subordinate local law (as set out in **Attachment G**), which are to commence on the date that the notice is published in the gazette:

   (a) Subordinate Local Law No. 1 (Administration) 2026

6. To delegate power to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, to take all steps necessary to comply with the requirements for publication set out in section 29B of the Local Government Act 2009 which includes providing advice to the Department.

Risks:

Risk	Description of likelihood & consequences
Outdated Regulation	Existing local laws may not reflect current community needs or legislative requirements
Reduced Community Confidence	Community may view Council as unresponsive or outdated
Legal Non-Compliance	State legislation and best-practice standards may evolve.
Enforcement Inefficiency	Older local laws may be ambiguous or not fit-for-purpose.
Economic & Social Impacts	Outdated laws may not align with contemporary business or community practices.

Policy and Legislative Compliance:

Local Government Act 2009 provides head of power for local governments to make and enforce local laws.

Local Government Regulation 2012 prescribes the process for making, amending and repealing local laws.

Council's Corporate Plan

Budget / Funding ***(Current and future):***

The Local Laws review project is included in this year's budget.

Timelines / Deadlines*:*

<Provide details>

Consultation ***(Internal / External):***

MacDonnells Law – Joanne Parisi
All relevant staff, including CEO, Directors, Managers, Officers.

Strategic Asset Management Implications:
(If applicable, outline changes to whole of life costs and / or level of service)

<Provide details>

Acronyms:

Acronym	Description
Nil	Nil

Addition to Operational or Corporate Plan:

Plan Description	Yes / No
Operational	Nil
Corporate	Nil

Link to Corporate Plan:
Corporate Plan 2023-2028
Corporate Plan Pillar 4: Accountability
4.4 Collaborative governance

Supporting Documentation:

1⇩	Local Laws Attachments A-B	D26/32005
2⇩	Local Laws Attachments C - G	D26/32628

Report authorised by:
Director - Corporate Services

Attachment A

Local Government Act 2009

Part 1 Local laws
Division 1 Introduction
26 What this part is about
(1) This part is about local laws.
(2) A ***local law*** is a law made by a local government.
(3) Unless there is a contrary intention, a reference in this Act to a ***local law*** includes a reference to—
(a) an interim local law; and
(b) a subordinate local law; and
(c) a local law that incorporates a model local law.
(4) An ***interim local law*** is a local law that has effect for 6 months or less.
(5) A ***subordinate local law*** is a local law that—
(a) is made under a power contained in a local law; and
(b) provides for the detailed implementation of the broader principles contained in the local law.
(6) A subordinate local law is called that because it is subordinate to the local law under which it is made, so that if there is any inconsistency between the subordinate local law and the local law, the local law prevails to the extent of the inconsistency.
(7) The Minister may approve, by gazette notice, a local law as being suitable for incorporation by all local governments into their local laws.
(8) This type of local law is a ***model local law***.

27 Interaction with State laws
If there is any inconsistency between a local law and a law made by the State, the law made by the State prevails to the extent of the inconsistency.

Division 2 Making, recording and reviewing local laws
28 Power to make a local law
(1) A local government may make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area.
(2) However, a local government must not make a local law—
(a) that sets a penalty of more than 850 penalty units for each conviction of failing to comply with a local law, including each conviction when there is more than 1 conviction for a continuing offence or repeat offence; or
(b) that purports to stop a local law being amended or repealed in the future; or
(c) about a subject that is prohibited under division 3.

29 Local law making process
(1) A local government may decide its own process for making a local law to the extent that the process is not inconsistent with this part.
(2) A local government makes a local law by passing a resolution to make the local law.
(3) If a local government proposes to make a local law about a matter (the ***new local law***) and there is an existing local law about the same matter that would be inconsistent with the new local law, the local government must amend or repeal the existing local law so that there is no inconsistency.
Note—
The new local law may include the amendment or repeal of the inconsistent law in the same instrument.
(4) An interim local law must include a provision stating when the law expires.

(5) A local government must ensure its local laws are drafted in compliance with the guidelines issued by the Parliamentary Counsel under the *Legislative Standards Act 1992*, section 9 for local laws and subordinate local laws.
(6) To remove any doubt, it is declared that a local government does not have to carry out any public consultation before making either of the following—
(a) an interim local law;
(b) a local law that only incorporates a model local law and does not contain an anti-competitive provision.

29A State interest check
(1) This section applies if a local government proposes to make a local law other than the following—
(a) a local law that incorporates a model local law;
(b) a subordinate local law.
(2) However, this section also applies to a local law that incorporates a model local law if the local law includes more than—
(a) the model local law; or
(b) any amendment or repeal of an existing local law that would be inconsistent with the model local law.
(3) A local government must consult with relevant government entities about the overall State interest in the proposed local law before making the local law.

29B Publication of local laws
(1) A local government must let the public know that a local law has been made by the local government, by publishing a notice of making the local law—
(a) in the gazette; and
(b) on the local government's website.
(2) The notice must be published within 1 month after the day when the local government made the resolution to make the local law.
(3) The notice in the gazette must state—
(a) the name of the local government; and
(b) the date when the local government made the resolution to make the local law; and
(c) the name of the local law; and
(d) the name of any existing local law that was amended or repealed by the new local law.
(4) The notice on the local government's website must state—
(a) the name of the local government; and
(b) the date when the local government made the resolution to make the local law; and
(c) the name of the local law; and
(d) the name of any existing local law that was amended or repealed by the new local law; and
(e) if the local law incorporates a model local law—that fact; and
(f) if the local law is an interim local law—that fact, and the date on which the interim local law expires; and
(g) if the local law is a subordinate local law—the name of the local law that authorises the subordinate local law to be made; and
(h) the purpose and general effect of the local law; and
(i) if the local law contains an anti-competitive provision—that fact; and
(j) that a copy of the local law may be—
(i) inspected and purchased at the local government's public office; and
(ii) viewed by the public on the department's website.

(5) As soon as practicable after the notice is published in the gazette, the local government must ensure a copy of the local law may be inspected and purchased by the public at the local government's public office.
(6) A copy of a local law must cost no more than the cost to the local government of making the copy available for purchase.
(7) Within 14 days after the notice is published in the gazette, the local government must give the Minister—
(a) a copy of the notice; and
(b) a copy of the local law in electronic form.

30 Expiry of interim local law revives previous law
(1) This section applies if—
(a) an interim local law amends or repeals a local law; and
(b) the interim local law expires; and
(c) the interim local law is not made (either with or without change) as a local law.
(2) When the interim local law expires—
(a) the local law is revived in its previous form; and
(b) any subordinate local law or provision of a subordinate local law, that stopped having effect because the local law was amended or repealed, is revived in its previous form.
(3) The ***previous form*** of a local law, subordinate local law, or provision of a subordinate local law is the form it was in immediately before the interim local law commenced.
(4) This section does not affect anything that was done or suffered under the interim local law before it expired.
(5) This section applies despite the *Acts Interpretation Act 1954*, section 19.

31 Local law register
(1) A local government must keep a register of its local laws, in the way that is required under a regulation.
(2) The public may inspect the register at the local government's public office.
(3) The department's chief executive must keep a database of all local governments' local laws and ensure a copy of the database may be viewed by the public on its website.

32 Consolidated versions of local laws
(1) A local government may prepare and adopt a consolidated version of a local law.
(2) A ***consolidated version*** of a local law is a document that accurately combines a local government's local law, as it was originally made, with all the amendments made to the local law since the local law was originally made.
(3) When the local government adopts the consolidated version of the local law, the consolidated version is taken to be the local law, in the absence of evidence to the contrary.
(4) Within 7 days after the local government adopts the consolidated version of the local law, the local government must give a copy of the consolidated version to the Minister.

33 [Repealed]

Division 3 Local laws that can not be made
34 What this division is about
This division specifies the subjects that a local government must not make a local law about.

35 Network connections
(1) A local government must not make a local law that regulates network connections.

(2) A ***network connection*** is an installation that has the sole purpose of connecting a home or other structure to an existing telecommunications network.
(3) A local law, to the extent that it is contrary to this section, has no effect.

36 Election advertising
(1) A local government must not make a local law that—
(a) prohibits or regulates the distribution of how-to-vote cards; or
(b) prohibits the placement of election signs or posters.
(2) A ***how-to-vote card*** includes a how-to-vote card under the Electoral Act.
(3) An ***election sign or poster*** is a sign or poster that is able, or is intended, to—
(a) influence a person about voting at any government election; or
(b) affect the result of any government election.
(4) A ***government election*** is an election for a local, State or Commonwealth government.
(5) A local law, to the extent that it is contrary to this section, has no effect.

37 Development processes
(1) A local government must not make a local law that establishes an alternative development process.
(2) An ***alternative development process*** is a process that is similar to or duplicates all or part of the development assessment process under the Planning Act.
(3) However, if a local law already contains a provision that establishes an alternative development process, the council may amend or repeal the provision at any time.
(4) A local law has no effect to the extent that it is contrary to this section.
(5) This section does not apply to a local government's local law about any of the following matters unless the matter is covered by the local government's planning scheme, the Planning Act or another instrument made under that Act—
(a) advertising devices;
(b) gates and grids;
(c) roadside dining.

37A Regulation of sex work
(1) A local government must not make a local law that prohibits or regulates sex work or the conduct of a sex work business.
(2) A local law has no effect to the extent that it is contrary to this section.
(3) In this section—
sex work means the provision by a person of the following services for payment or reward—
(a) services involving the person participating in a sexual activity with another person;
(b) services involving the use or display of the person's body for the sexual arousal or gratification of another person.
sex work business means a business that provides services that include sex work and includes, for example—
(a) an escort agency providing services that include sex work; or
(b) a home-based sex work business.

38 Anti-competitive provisions
(1) A local government must not make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions.
(2) A local law, to the extent that it is contrary to this section, has no effect.
(3) This section does not apply to an interim local law.

38AA Swimming pool safety
(1) A local government must not make a local law that regulates—
(a) the construction or maintenance of barriers for a regulated pool; or
(b) a matter for ensuring the safety of persons using a regulated pool and prescribed under the Building Act, section 231D(1), definition *pool safety standard*, paragraph (b).
(2) If a local law that is in force before the commencement of this section contains a provision that regulates a matter mentioned in subsection (1), the local government—
(a) must not amend the provision after the commencement; and
(b) must repeal the provision by 1 January 2017.
(3) A local law, to the extent that it is contrary to this section, has no effect.
(4) In this section—
barriers, for a regulated pool, includes any of the following—
(a) the fencing for the pool;
(b) the walls of a building enclosing the pool;
(c) another form of barrier mentioned or provided for in the pool safety standard under the Building Act.

Division 4 Action by the Minister about particular local laws
38AB Suspending or revoking particular local laws
(1) This section applies if the Minister reasonably believes a local law—
(a) is contrary to any other law; or
(b) is inconsistent with the local government principles; or
(c) does not satisfactorily deal with the overall State interest.
(2) The Minister, by gazette notice, may—
(a) suspend the local law, for a stated period or indefinitely; or
(b) revoke the local law.
(3) The gazette notice must state—
(a) how the local law is contrary to another law, is inconsistent with the local government principles or does not satisfactorily deal with the overall State interest; and
(b) if the local law has been suspended—how the local law may be amended so that it—
(i) is no longer contrary to the other law; or
(ii) is no longer inconsistent with the local government principles; or
(iii) satisfactorily deals with the overall State interest.
(4) If the Minister suspends a local law, the local law stops having effect for the period stated in the gazette notice.
(5) If the Minister revokes the local law—
(a) the local law stops having effect on the day stated in the gazette notice; or
(b) if no day is stated in the gazette notice—the local law is taken to never have had effect.
(6) The State is not liable for any loss or expense incurred by a person because a local law is suspended or revoked under this section.
(7) A decision of the Minister under this section is not subject to appeal.
Note—
See section 244 for more information.

Division 5 Miscellaneous
38A Local law about seizing and disposing of personal property
(1) This section applies if—
(a) a local government has made a local law about seizing and disposing of personal property; and
(b) personal property is seized under the local law.
(2) If the personal property is sold or disposed of, the proceeds of sale or disposal must be applied in the following order—

(a) in payment of the reasonable expenses incurred in selling or disposing of the property;
(b) in payment of the prescribed fee for seizing and holding the property;
(c) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
(d) the balance to the owner of the property.
(3) A secured party can not enforce any security interest in the proceeds of sale or disposal against an entity to whom an amount is payable under subsection (2)(a) or (b).
(4) In this section—
personal property has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.
secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

38B Owners' liability for party houses
(1) A local government may make a local law that makes the owner of a residential property liable to a penalty because of excessive noise regularly emitted from the property.
(2) The ***owner*** of a residential property includes a tenant if the tenant has a right of exclusive occupation of the property under a lease.
(3) A ***residential property*** is a property of a type that would ordinarily be used, or is intended to be used, as a place of residence or mainly as a place of residence.
(4) To remove any doubt, it is declared that—
(a) the local law may fix the number of times that excessive noise must be emitted from a property before the owner becomes liable to the penalty; and
(b) a property is not precluded from being a residential property merely because the property is rented on a short-term basis.
(5) In a proceeding about a contravention of the local law—
(a) a noise abatement direction given to a person at a property is evidence of excessive noise being emitted from the property; and
(b) a copy of information recorded in the register of enforcement acts under the *Police Powers and Responsibilities Act 2000* about the giving of a noise abatement direction is evidence of the matters stated in it.
(6) A ***noise abatement direction*** is a direction given to a person by a police officer under the *Police Powers and Responsibilities Act 2000*, section 581(3).
(7) Despite subsection (5), a defendant may, with the leave of the court, require the prosecution to call any person involved in the giving of the noise abatement direction to give evidence at the hearing.
(8) The court may give leave only if the court is satisfied that—
(a) an irregularity may exist in relation to the information or the giving of the noise abatement direction; or
(b) it is in the interests of justice that the person be called to give evidence.
(9) The chief executive officer may ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.
(10) The police commissioner must comply with the request.

Local Government Regulation 2012

14 Local law register—Act, s 31

(1) For section 31(1) of the Act, a local government's register of its local laws must contain, for each local law, the local law's name, purposes and general effect.

(2) A person may, on payment of a fee decided by the local government, request an extract or a certified copy of a local law from the register of its local laws.

(3) The fee mentioned in subsection (2) must be no more than the reasonable cost of providing the extract or copy.

(4) The local government must publish the register of its local laws on its website.

15 Anti-competitive provisions and review procedures

(1) For the Act, schedule 4, definition *anti-competitive provision*, a provision is identified as creating a barrier to entry to a market or competition within a market if a local government, applying the competition policy guidelines, identifies the provision as creating one of those barriers.

(2) For section 38(1) of the Act, the procedures prescribed are the procedures mentioned in the competition policy guidelines.

(3) The ***competition policy guidelines*** is the document called 'National Competition Policy Guidelines for conducting reviews on anti-competitive provisions in local laws', version 1, made by the department.

Editor's note—

A copy of the competition policy guidelines is available on the department's website.

Human Rights Act 2019 (Qld)

13 Human rights may be limited
(1) A human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.
(2) In deciding whether a limit on a human right is reasonable and justifiable as mentioned in subsection (1), the following factors may be relevant—
(a) the nature of the human right;
(b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom;
(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose;
(d) whether there are any less restrictive and reasonably available ways to achieve the purpose;
(e) the importance of the purpose of the limitation;
(f) the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right;
(g) the balance between the matters mentioned in paragraphs (e) and (f).

Division 2 Civil and political rights
15 Recognition and equality before the law
(1) Every person has the right to recognition as a person before the law.
(2) Every person has the right to enjoy the person's human rights without discrimination.
(3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination.
(4) Every person has the right to equal and effective protection against discrimination.
(5) Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

16 Right to life
Every person has the right to life and has the right not to be arbitrarily deprived of life.

17 Protection from torture and cruel, inhuman or degrading treatment
A person must not be—
(a) subjected to torture; or
(b) treated or punished in a cruel, inhuman or degrading way; or
(c) subjected to medical or scientific experimentation or treatment without the person's full, free and informed consent.

18 Freedom from forced work
(1) A person must not be held in slavery or servitude.
(2) A person must not be made to perform forced or compulsory labour.
(3) In this section—
court order includes an order made by a court of another jurisdiction.
forced or compulsory labour does not include—
(a) work or service normally required of a person who is under detention because of a lawful court order or who, under a lawful court order, has been conditionally released from detention or ordered to perform work in the community; or
(b) work or service performed under a work and development order under the *State Penalties Enforcement Act 1999*; or

(c) work or service required because of an emergency threatening the Queensland community or a part of the Queensland community; or
(d) work or service that forms part of normal civil obligations.

19 Freedom of movement
Every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it, and has the freedom to choose where to live.

20 Freedom of thought, conscience, religion and belief
(1) Every person has the right to freedom of thought, conscience, religion and belief, including—
(a) the freedom to have or to adopt a religion or belief of the person's choice; and
(b) the freedom to demonstrate the person's religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.
(2) A person must not be coerced or restrained in a way that limits the person's freedom to have or adopt a religion or belief.

21 Freedom of expression
(1) Every person has the right to hold an opinion without interference.
(2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland and whether—
(a) orally; or
(b) in writing; or
(c) in print; or
(d) by way of art; or
(e) in another medium chosen by the person.

22 Peaceful assembly and freedom of association
(1) Every person has the right of peaceful assembly.
(2) Every person has the right to freedom of association with others, including the right to form and join trade unions.

23 Taking part in public life
(1) Every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives.
(2) Every eligible person has the right, and is to have the opportunity, without discrimination—
(a) to vote and be elected at periodic State and local government elections that guarantee the free expression of the will of the electors; and
(b) to have access, on general terms of equality, to the public service and to public office.

24 Property rights
(1) All persons have the right to own property alone or in association with others.
(2) A person must not be arbitrarily deprived of the person's property.

25 Privacy and reputation
A person has the right—
(a) not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
(b) not to have the person's reputation unlawfully attacked.

26 Protection of families and children

(1) Families are the fundamental group unit of society and are entitled to be protected by society and the State.
(2) Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.
(3) Every person born in Queensland has the right to a name and to be registered, as having been born, under a law of the State as soon as practicable after being born.

27 Cultural rights—generally
All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language.

28 Cultural rights—Aboriginal peoples and Torres Strait Islander peoples
(1) Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights.
(2) Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community—
(a) to enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings; and
(b) to enjoy, maintain, control, protect, develop and use their language, including traditional cultural expressions; and
(c) to enjoy, maintain, control, protect and develop their kinship ties; and
(d) to maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom; and
(e) to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.
(3) Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture.

29 Right to liberty and security of person
(1) Every person has the right to liberty and security.
(2) A person must not be subjected to arbitrary arrest or detention.
(3) A person must not be deprived of the person's liberty except on grounds, and in accordance with procedures, established by law.
(4) A person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and must be promptly informed about any proceedings to be brought against the person.
(5) A person who is arrested or detained on a criminal charge—
(a) must be promptly brought before a court; and
(b) has the right to be brought to trial without unreasonable delay; and
(c) must be released if paragraph (a) or (b) is not complied with.
(6) A person awaiting trial must not be automatically detained in custody, but the person's release may be subject to guarantees to appear—
(a) for trial; and
(b) at any other stage of the judicial proceeding; and
(c) if appropriate, for execution of judgment.
(7) A person deprived of liberty by arrest or detention is entitled to apply to a court for a declaration or order regarding the lawfulness of the person's detention, and the court must—
(a) make a decision without delay; and
(b) order the release of the person if it finds the detention is unlawful.

(8) A person must not be imprisoned only because of the person's inability to perform a contractual obligation.

30 Humane treatment when deprived of liberty

(1) All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.
(2) An accused person who is detained or a person detained without charge must be segregated from persons who have been convicted of offences, unless reasonably necessary.
(3) An accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.

31 Fair hearing

(1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.
(2) However, a court or tribunal may exclude members of media organisations, other persons or the general public from all or part of a hearing in the public interest or the interests of justice.
(3) All judgments or decisions made by a court or tribunal in a proceeding must be publicly available.

32 Rights in criminal proceedings

(1) A person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.
(2) A person charged with a criminal offence is entitled without discrimination to the following minimum guarantees—
(a) to be informed promptly and in detail of the nature and reason for the charge in a language or, if necessary, a type of communication the person speaks or understands;
(b) to have adequate time and facilities to prepare the person's defence and to communicate with a lawyer or advisor chosen by the person;
(c) to be tried without unreasonable delay;
(d) to be tried in person, and to defend themselves personally or through legal assistance chosen by the person or, if eligible, through legal aid;
(e) to be told, if the person does not have legal assistance, about the right, if eligible, to legal aid;
(f) to have legal aid provided if the interests of justice require it, without any costs payable by the person if the person is eligible for free legal aid under the *Legal Aid Queensland Act 1997*;
(g) to examine, or have examined, witnesses against the person;
(h) to obtain the attendance and examination of witnesses on the person's behalf under the same conditions as witnesses for the prosecution;
(i) to have the free assistance of an interpreter if the person can not understand or speak English;
(j) to have the free assistance of specialised communication tools and technology, and assistants, if the person has communication or speech difficulties that require the assistance;
(k) not to be compelled to testify against themselves or to confess guilt.
(3) A child charged with a criminal offence has the right to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation.
(4) A person convicted of a criminal offence has the right to have the conviction and any sentence imposed in relation to it reviewed by a higher court in accordance with law.
(5) In this section—
legal aid means legal assistance given under the *Legal Aid Queensland Act 1997*.

33 Children in the criminal process

(1) An accused child who is detained, or a child detained without charge, must be segregated from all detained adults.
(2) An accused child must be brought to trial as quickly as possible.
(3) A child who has been convicted of an offence must be treated in a way that is appropriate for the child's age.

34 Right not to be tried or punished more than once
A person must not be tried or punished more than once for an offence in relation to which the person has already been finally convicted or acquitted in accordance with law.

35 Retrospective criminal laws
(1) A person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.
(2) A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.
(3) If a penalty for an offence is reduced after a person committed the offence but before the person is sentenced for the offence, the person is eligible for the reduced penalty.
(4) Nothing in this section affects the trial or punishment of any person for any act or omission that was a criminal offence under international law at the time it was done or omitted to be done.

Division 3 Economic, social and cultural rights
36 Right to education
(1) Every child has the right to have access to primary and secondary education appropriate to the child's needs.
(2) Every person has the right to have access, based on the person's abilities, to further vocational education and training that is equally accessible to all.

37 Right to health services
(1)Every person has the right to access health services without discrimination.
(2) A person must not be refused emergency medical treatment that is immediately necessary to save the person's life or to prevent serious impairment to the person.

Attachment B

LOCAL LAW MAKING PROCESS

Step 1: Resolution to proceed with proposed local laws

Council resolves to:

(a) propose to make, amend or repeal local laws and subordinate local laws;

(b) adopt a Public Interest Test Plan; and

(c) undertake consultation.

Step 2: Consultation

(a) Community Consultation

Provide an opportunity for the community to comment on the proposed draft local laws and subordinate local laws by:

(i) Preparing draft public notices for the purpose of public consultation and a public interest test;

(ii) Publishing the public notices on Council's website, displaying the public notices at Council's offices and publishing in a newspaper circulating in the local government area;

(iii) Giving the public access to the proposed local laws, subordinate local laws and public interest test plan by making a copy available at Council's offices.

(b) Consultation with State Government Agencies

Pursuant to Section 29A(3) of the *Local Government Act 2009,* consult with the relevant State Government Departments about the overall State interest in the proposed local laws by:

(i) Determining which State Government Departments have an interest in the local laws;

(ii) Sending an electronic copy of the documents to the relevant State Government Department to undertake the State Interest Check;

(iii) Awaiting a response proposed local laws and if no response is received within 4 weeks, proceeding on the basis that no comments are intended.

(c) Consider Feedback

Collate and consider the feedback received as a result of consultation and make any necessary proposed amendments for consideration by Council.

Step 3: Public Interest Test and Report

Undertake a Public Interest Test in accordance with the Public Interest Test Plan approved by Council and prepare a Public Interest Test Report ("**PIT Report**") which:

(a) considers any comments received from the consultation process;

(b) reassess alternatives;

(c) identifies and assesses impacts of change for each alternative;

(d) checks for completeness;

(e) determines net community benefit; and

(f) makes a recommendation.

Step 4: Making Local Laws

Prepare a Council Report proposing resolutions to:

(a) adopt the PIT Report; and

(b) pursuant to Section 29 of the *Local Government Act 2009* make the proposed amendments to Council's local law and subordinate local law suite and repeal any prior local laws or subordinate local laws as necessary.

Step 5: Publication of Local Laws

Pursuant to Section 29B of the *Local Government Act 2009*, Council will let the public know that a local law has been made by:

(a) Drafting a notice for inclusion in the Government Gazette (which meets the requirements of Section 29B(3) of the *Local Government Act 2009*);

(b) Drafting a notice for publishing on Council's website (which meets the requirements of Section 29B(4) of the *Local Government Act 2009*);

(c) Within 1 month from the date of Council's resolution to adopt the local laws and subordinate local laws, publishing the notice in the Government Gazette and on Council's website (Section 29B(2) of the *Local Government Act 2009*); and

(d) As soon as practicable after the notice in the Government Gazette is published, ensuring a copy of the local law is available for inspection and purchase at Council's offices (Section 29B(5) of the *Local Government Act 2009*).

Step 6: Advice to Department

Within 14 days of publishing the notice in the Government Gazette, provide a copy of the notice together with an electronic copy of the local laws to the Minister (Section 29B(7) of the *Local Government Act 2009*).

Attachment C

Public Interest Test Report

Attachment D

Proposed Amending Instruments

DELIVERED AS PART OF SEPARATE PACK

Attachment E

Consolidated Versions

DELIVERED AS PART OF SEPARATE PACK

Attachment F

Repealing Instrument

DELIVERED AS PART OF SEPARATE PACK

Attachment G

New Subordinate Local Law

DELIVERED AS PART OF SEPARATE PACK

Attachment C

Public Interest Test Report

Public Interest Test Report

General

Council has conducted a public interest test on possible anti-competitive provisions identified in the proposed amendments to its local law suite.

The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement (**CPA**) which were outlined in the Public Interest Test Plan (**Schedule A**).

Results of Consultation Process

Community Consultation

Consultation with the public occurred between 24 October 2025 and 14 November 2025. An advertisement was placed in the Maranoa Today on 24 October 2025 advising of the review and calling for submissions. In addition, notices were placed on Council's website and on notice boards in the Council's administration offices.

Additionally, the proposed Local Laws and Subordinate Local Laws and the Public Interest Test Plan were made available to the public for perusal at the Council's offices at

Roma Customer Service Centre – Cnr Bungil & Quintin Streets, Roma;

Injune Customer Service Centre – 32 Hutton Street, Injune;

Mitchell Customer Service Centre – 100 Cambridge Street, Mitchell;

Surat Customer Service Centre – 73 Burrowes Street, Surat;

Yuleba Customer Service Centre – 20 Stephenson Street, Yuleba.

Consultation with State Government Agencies

As part of its Consultation, Council officers wrote to 22 State Departments.

Other

In accordance with the Public Interest Test Plan, Council officers also wrote to the Queensland Bee Keepers Association.

Submissions received

No submissions were received as a result of the Community Consultation.

A table detailing the comments received in relation to the proposed amended content which was received from the various Departments and the Queensland Bee Keepers Association is set out below.

Local Law 1

Comment From	Comment
Department of Public Housing	Department queried definition of 'owner' listed in new local law 1 .
Local Law 3	
Comment From	**Comment**
DLGWV	Department queried Council's power to deal with maintenance of premises.
Local Law 6	
Comment From	**Comment**
Biosecurity Queensland (animal security) through Department of Primary Industries	Include reference to Biosecurity Legislation
	Suggested consideration of additional clauses re emergency animal disease (EAD
Subordinate Local Law 2	
Comment From	**Comment**
Queensland Bee Keepers Association	Inclusion of HIN number
Subordinate Local Law 4	
Comment From	
Department of Police and Emergency Services D25/120703	Updated definitions to align with (and recognize) State legislation

Qualitative Analysis

In addition to the PIT consultation, an analysis has been performed on the removal of anti-competitive provisions. This analysis is contained in the Public Interest Test Plan attached at **Schedule A**.

Reassessment of Alternatives

No alternatives were identified by Council in the Public Interest Test Plan as being viable.

Recommendations

In accordance with the *Local Government Act* 2009 (Qld), the following is recommended:

1. Council has identified a number sections of the proposed Local Laws and Subordinate Local Laws as being anti-competitive;

2. That those anti-competitive provisions be retained in full as:

   (a) the benefits of these provisions to the community as a whole outweigh the costs; and

   (b) the most appropriate way of achieving the objectives of Council's proposed Local Laws and Subordinate Local Laws is by restricting competition in the way provided in these provisions, having regard to the Council's duty of good rule and government of its area; and

3. That the Council adopt the following amending instruments:

   (a) Administration (Amendment) Local Law No. 1 2026

   (b) Animal Management (Amendment) Local Law No. 1 2026

   (c) Community and Environmental (Amendment) Local Law No. 1 2026

   (d) Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law No. 1 2026

   (e) Parking (Amendment) Local Law No. 1 2026

   (f) Operation of Saleyards (Amendment) Local Law No. 1 2026

   (g) Aerodromes (Amendment) Local Law No. 1 2026

   (h) Waste Management (Amendment) Local Law No. 1 2026

   (i) Animal Management (Amendment) Subordinate Local Law (No. 1) 2026

   (j) Community and Environmental (Amendment) Subordinate Local Law (No. 1) 2026

   (k) Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2026

   (l) Parking (Amendment) Subordinate Local Law (No. 1) 2026

4. That the Council adopt consolidated version of the local laws incorporating the amendments identified in the above amending instruments;

5. That the Council adopt *Local Law (Repealing) Local Law No. 1 2026*

6. That the Council adopt *Subordinate Local Law No. 1 (Administration) 2026*

Schedule A

Public Interest Test Plan

1. PURPOSE

The purpose of this Public Interest Test Plan is to provide a basis for community consultation and to detail the activities to be conducted during the test.

2. BACKGROUND

In 1996 the Queensland Government issued a Policy Statement which required that all local laws being made by local governments would be subject to the Competition Principles Agreement (**CPA**).

Clause 5(1) of the CPA, set out the guiding principle that legislation should not restrict competition, unless it can be demonstrated that:

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

In reviewing legislation that restricts competition, clause 5(9) of the CPA requires that the review should:

- clarify the objectives of the legislation;
- identify the nature of the restriction on competition;
- analyse the likely effect of the restriction on competition and on the economy generally;
- assess and balance the costs and benefits of the restriction; and
- consider alternative means of achieving the same result including non-legislative approaches.

Without limiting the matters to be taken into account in a review, clause 1(3) of the CPA sets out matters which should be taken into account, as follows:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or of a class of consumers;
- the competitiveness of Australian businesses; and

- the efficient allocation of resources.

3. PROPOSED LOCAL LAW AMENDMENTS

The Council is conducting a PIT regarding possible anti-competitive provisions identified in proposed amendments to the following proposed Local Laws and Subordinate Local Laws (**Proposed Amended Local Laws**):

- ***AMENDED*** *Local Law No. 1 (Administration) 2011;*
- ***NEW*** *Subordinate Local Law No. 1 (Administration) 2025 – note although this is a new Subordinate Local Law it consolidates existing Subordinate Local Laws and hence only the Amendments to those existing Subordinate Local Laws are considered as part of this review;*
- ***AMENDED*** *Local Law No. 2 (Animal Management) 2011;*
- ***AMENDED*** *Subordinate Local Law No. 2 (Animal Management) 2011;*
- ***AMENDED*** *Local Law No. 3 (Community and Environmental Management) 2011;*
- ***AMENDED*** *Subordinate Local Law No. 3 (Community and Environmental Management) 2011;*
- ***AMENDED*** *Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;*
- ***AMENDED*** *Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;*
- ***AMENDED*** *Local Law No. 5 (Parking) 2011;*
- ***AMENDED*** *Subordinate Local Law No. 5 (Parking) 2011;*
- ***AMENDED*** *Local Law No. 6 (Operation of Saleyards) 2011;*
- ***AMENDED*** *Local Law No. 7 (Operation of Aerodromes) 2011;*
- ***AMENDED*** *Local Law No. 8 (Waste Management) 2018.*

A copy of the Proposed Amended Local Laws can be accessed on Council's website (Home | Maranoa Regional Council), or may be viewed at Council's offices at:

Roma Customer Service Centre – Cnr Bungil & Quintin Streets, Roma;

Injune Customer Service Centre – 32 Hutton Street, Injune;

Mitchell Customer Service Centre – 100 Cambridge Street, Mitchell;

Surat Customer Service Centre – 73 Burrowes Street, Surat;

Yuleba Customer Service Centre – 20 Stephenson Street, Yuleba.

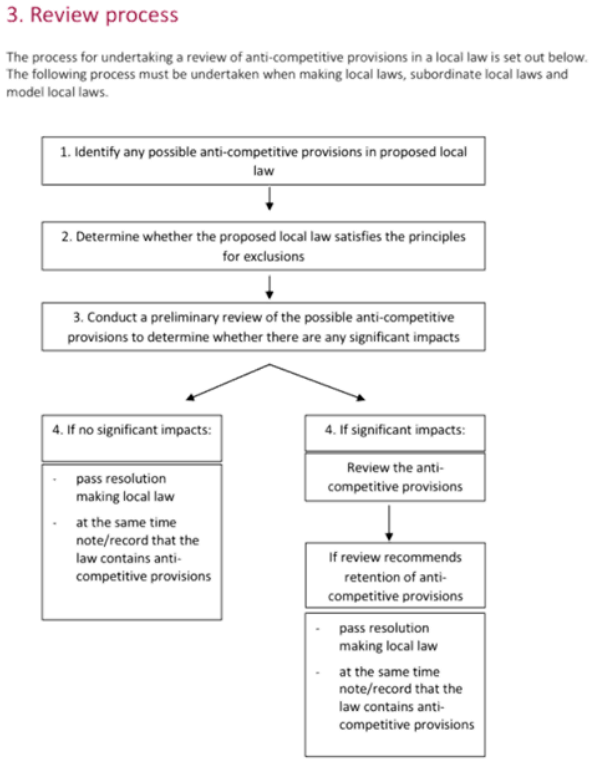
4. PROCESS FOR REVIEW OF ANTI-COMPETITIVE PROVISIONS IN LOCAL LAWS

Under Section 38 of the Local Government Act, a local government must not make a local law that contains ***an anti-competitive provision*** unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions.

What are the procedures that must be complied with?

Regulation 15(2) and (3) of the Local Government Regulation provides that the procedures are those mentioned in the competition policy guidelines being the document called 'National Competition Policy Guidelines for conducting reviews on anti-competitive provisions in local laws', version 1, made by the department.

The flow chart below extracted from the National Competition Policy Guidelines, details the process (**Steps**) which must be followed



a. STEP 1: Identify any possible anti-competitive provisions in proposed local law

Schedule 4 of the Local Government Act, ***an anti-competitive provision*** means a provision that a regulation identifies as creating barriers to—

(i) entry to a market; or

(ii) competition within a market.

Regulation 15(1) of the Local Government Regulation provides a provision is identified as creating a barrier to entry to a market or competition within a market if a local government, applying the competition policy guidelines, identifies the provision as creating one of those barriers.

b. STEP 2: Determine whether proposed local law satisfied the principles for exclusion

As set out in the National Competition Guidelines, the particular types of local laws excluded from the review of anti-competitive provisions are:

(i) local laws regulating the behaviour of individuals;

(ii) local laws dealing solely with internal administrative procedures of a local government;

(iii) local laws intended as legitimate measures to combat the spread of pests and disease;

(iv) local laws to ensure accepted public health and safety standards are met;

(v) repealing local laws

c. STEP 3: Conduct a preliminary review of the possible anti-competitive provisions to determine whether there are any significant impacts

As set out in the National Competition Guidelines, in determining whether significant impacts will exist, the local government must consider the following factors:

(i) the probability of impacts occurring;

(ii) the size and characteristics of the affected businesses;

(iii) the intensity of the potential impact on affected businesses;

(iv) whether particular businesses will incur a disproportionate impact;

(v) the duration of the impact (for example ongoing or “one-off”).

d. STEP 4: Outcome of preliminary assessment

As set out in the National Competition Guidelines the actions to be undertaken as a result of the preliminary assessment, depend on where there is considered to be significant impacts in relation to the anti-competitive provisions.

5. CONDUCT OF REVIEW

	STEP 1: Identify any possible anti-competitive provisions in proposed local law	**STEP 2: Determine whether proposed local law satisfied the principles for exclusion**	**STEP 3: Conduct a preliminary review of the possible anti-competitive provisions to determine whether there are any significant impacts**
AMENDED Local Law No. 1 (Administration) 2011;	No	Not Applicable	Not Applicable
NEW Subordinate Local Law No. 1 (Administration) 2025 – *note although this is a new Subordinate Local Law it consolidates existing Subordinate Local Laws and hence only the Amendments to those existing Subordinate Local Laws are considered as part of this review;*	Schedule 9 – Extension of Temporary Home provisions	Yes. Regulates the behaviour of individuals.	Not Applicable
	Schedule 32 – Requires a permit for the commercial supply of fodder at a saleyard	Yes. Deals solely with internal administrative procedure being the need for the supplier of fodder to obtain an approval.	Not Applicable
AMENDED Local Law No. 2 (Animal Management) 2011;	No	Not Applicable	Not Applicable
AMENDED Subordinate Local Law No. 2 (Animal Management) 2011;	Requirements for approvals to keep bees and for limits on the number of hives able	Partial exclusion to the extent that the proposed amendments regulate individuals and deal with	Not considered to be a significant impact.

	to be kept on a particular lot based on lot size.	internal administrative procedures and the need to obtain an approval.	There is some probability of impacts occurring and the restriction on the number of hives is ongoing,
AMENDED Local Law No. 3 (Community and Environmental Management) 2011;	Requirement to maintain premises.	Partial exclusion but only to the extent the proposed amendments deal with health and safety standards.	Not considered to be a significant impact. While there is some probability of impacts occurring and the obligations are ongoing, the local law will be applied to all businesses and is intended to maintain a base level of amenity for the benefit of the community.
AMENDED Subordinate Local Law No. 3 (Community and Environmental Management) 2011;	No	Not Applicable	Not Applicable
AMENDED Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;	No	Not Applicable	Not Applicable
AMENDED Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;	No	Not Applicable	Not Applicable
AMENDED Local Law No. 5 (Parking) 2011;	No	Not Applicable	Not Applicable
AMENDED Subordinate Local Law No. 5 (Parking) 2011;	Declaration of Traffic Area to facilitate the future enforcement of parking restrictions.	No.	Not considered to be a significant impact. While there is some probability of impacts occurring, if future

			enforcement is undertaken it will be applied to the entire declared traffic area.
AMENDED Local Law No. 6 (Operation of Saleyards) 2011;	No	Not Applicable	Not Applicable
AMENDED Local Law No. 7 (Operation of Aerodromes) 2011;	No	Not Applicable	Not Applicable
AMENDED Local Law No. 8 (Waste Management) 2018.	No	Not Applicable	Not Applicable

6. REALISTIC REGULATORY AND NON-REGULATORY ALTERNATIVES TO PROPOSED ANTI-COMPETITIVE PROVISIONS

Regulatory and non-regulatory alternatives available to local government which may achieve the objectives of the Local Laws and Subordinate Local Laws identified as anti-competitive include the following:

- performance-based regulation;
- market/Industry self-regulation;
- Codes of Conduct;
- Standards;
- no regulation;
- public information and education programs;
- economic incentives;
- industry accreditation; and / or
- negative licensing.

In its assessment of the viability of the abovementioned alternatives, Council does not consider any of these options as viable alternatives to the regulation as set out in the proposed Local Laws and Subordinate Local Laws.

7. TYPE OF REVIEW REQUIRED

The review of anti-competitive provisions in the Local Laws and Subordinate Local Laws will be conducted as a *minor* review on the basis that:

- the Local Laws and Subordinate Local Laws have been developed for social, rather than economic objectives;
- the level of concern about the possible anti-competitive provisions is considered to be low as they are uncontroversial. The impact is on a discrete number of possible local businesses and does not have state-wide or national implications;
- the restrictions are introduced predominantly for health and safety reasons;
- a major review will have significant cost with little or no likely reform;
- the number of stakeholders involved in the review is low and the potential impact on stakeholders is low;
- the complexity of the issues relating to the review is considered to be low and the level of uncertainty as to the impact or changes on stakeholders is also considered to be low;
- public consultation with local residents and business will be conducted;

- the complexity of the issues relating to the review is considered to be low and the level of uncertainty as to the impacts the changes will have on stakeholders is also considered to be low; and

- the review will be conducted in-house.

8. CONSULTATION PROCESS TO BE UNDERTAKEN

Consultation with the public will be conducted by giving the public notice of the review in the Maranoa Today, on Council's website and by inviting submissions. Public notices will also be posted on notice boards in the Council's administration offices.

This PIT Plan, as well as the proposed Local Laws and the Subordinate Local Laws will be available for inspection on the Council's website and at Council's offices free of charge.

9. KEY STAKEHOLDERS AFFECTED BY THE CURRENT SITUATION

The following key stakeholders have been identified as being affected by the current situation.

Stakeholders	Size	Distribution	Impact, rating and rationale
Local Government	1	Local government area	**Low/Negative –** Increased compliance costs of regulation
Commercial operators Existing and potential businesses	Unknown	Nil direct notification to businesses that operate locally. Information will however be available on Council's website for reference.	**Low/Negative -** Potential Increased burden of compliance
State Government	1	Relevant State Government agencies will be contacted directly, notifying of the potentially anti- competitive provisions.	**Low/Negative –** Increased compliance costs of regulation
Queensland Beekeepers Association	1	Peak industry body for Queensland beekeepers will be notified directly.	**Low** – potential that additional requirements might be sought to safeguard the industry
Public	All residents in the Local Government Area	Public notification to occur in the Maranoa Today, on Council's website and at Council's offices.	**Low** – potential for increased non-compliance with minimum standards

10. TIMETABLE FOR CONDUCTING THE PUBLIC INTEREST TEST

Public Interest Test Stage	Timeframe
Commence Public Interest Test	By 24 October 2025
Estimate of time for completing Public Interest Test	4 weeks including public consultation
Public Consultation period	21 days
Target date for presenting Public Interest Test Report to Council	January 2026

11. CONTENT OF THE PUBLIC INTEREST TEST REPORT

At the conclusion of the public consultation, MacDonnells Law on behalf of the Council will prepare a Public Interest Test Report. This will include the following:

- a summary of the consultation process including a list of stakeholders consulted and the outcomes of consultation;
- any alternatives to the existing anti-competitive provisions and whether (or not) they are viable; and
- recommendations.

A copy of the Public Interest Test Report will be made available on the Council's website, (Home | Maranoa Regional Council).

Attachment D

Proposed Amending Instruments

DELIVERED AS PART OF SEPARATE PACK

Maranoa Regional Council
Administration (Amendment) Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2
3 Object....2

Part 2 Amendments to local law....2

4 Amendment of s9 (Local government's discretion in granting approvals)....2
5 Amendment of s22 (Application for review)....2
6 Amendment of Schedule 1 (Dictionary)....2
7 Amendment of Schedule 2, Part 2 (Definitions of prescribed activities)....3

Part 1 Preliminary

1 Short title

This local law may be cited as *Administration (Amendment) Local Law (No. 1) 2026.*

2 Local law amended

This local law amends *Local Law No. 1 (Administration) 2011*.

3 Object

The object of this local law is to make minor updates to *Local Law No. 1 (Administration) 2011*.

Part 2 Amendments to local law

4 Amendment of s9 (Local government's discretion in granting approvals)

(1) Section 9(c), before 'the grant of the approval is consistent' -

insert

'that'

(2) Section 9(c), 'of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an' –

omit, insert –

'to limit any'

(3) Section 9(c), before 'over competitive activities' -

insert

'which might otherwise exist'

5 Amendment of s22 (Application for review)

(1) Section 22(4), after 'in writing and' -

insert

'be'

6 Amendment of Schedule 1 (Dictionary)

(1) Schedule 1 '***caravan***' '*Residential Tenancies Act 1994, section 3A'* -

o*mit, insert*

'*Residential Tenancies and Rooming Accommodation Act 2008, section 7*'

(2) Schedule 1 '***DOGIT land***, ', section 13,' -

omit

(3) Schedule 1 '***DOGIT land***, ', section 12' -

omit

7 Amendment of Schedule 2, Part 2 (Definitions of prescribed activities)

(1) Schedule 2, Part 2, '***alteration or improvement to local government controlled areas and roads***' at 2(b), '*under the Vegetation Management Act 1999'*-

omit

(2) Schedule 2, Part 2, '***installation of advertising devices'***, 'an advertisement or sign that is' -

omit, insert

'a temporary or permanent sign, structure (or part of a building) or other devices used for advertising that are not regulated by the Planning Scheme and is'

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Administration (Amendment) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Animal Management (Amendment) Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2
3 Object....2

Part 2 Amendments to local law....2

4 Amendment of s1 (Short title)....2
5 Amendment of s2 (Purpose and how it is to be achieved)....2
6 Amendment of s5 (Prohibition on keeping animals in prescribed circumstances)....2
7 Amendment of s6 (Requirement for approval)....2
8 Amendment of s7J (Local government's obligations if owner complies)....3
9 Amendment of s7L (Cat not registered at commencement of amending local law)....3
10 Amendment of s8 (minimum standards for keeping animals)....3
11 Amendment of s9 (Identification of registered dogs)....3
12 Amendment of s14 (Duty to provide proper enclosure and prevent animal from wandering)....3
13 Amendment of s22 (Power to immediately destroy seized animal)....4
14 Amendment of s30 (Destruction orders)....5
15 Amendment of Schedule (Dictionary)....5

Part 1 Preliminary

1 Short title

This local law may be cited as *Animal Management (Amendment) Local Law (No. 1) 2026.*

2 Local law amended

This local law amends *Local Law No. 2 (Animal Management) 2011*.

3 Object

The object of this local law is to make minor amendments to *Local Law No. 2 (Animal Management) 2011*.

Part 2 Amendments to local law

4 Amendment of s1 (Short title)

(1) Section 1, 'model' -

omit

5 Amendment of s2 (Purpose and how it is to be achieved)

(1) Section 2 at footnote 1 after 'dangerous dogs' -

insert

'and'

(2) Section 2 at footnote 1 'and restricted dogs' -

omit

6 Amendment of s5 (Prohibition on keeping animals in prescribed circumstances)

(1) Section 5(2)(f) and footnote 3 -

omit

(2) Section 5(2)(h) and footnote 4 –

renumber as footnote 3

(3) Section 5(2)(g) and (h) –

renumber as section 5(2)(f) and 5(2)(g).

7 Amendment of s6 (Requirement for approval)

(1) Section 6(1) and footnote 5 -

renumber as footnote 4

(2) Section 6(2) and footnote 6 -

renumber as footnote 5

(3) Section 6(3) and footnote 7 -

renumber as footnote 6

(4) Section 6(4) and footnote 8 -

omit

8 Amendment of s7J (Local government's obligations if owner complies)

(1) Section 7(1) 'given a renewal notice under section 7H' -

omit

9 Amendment of s7L (Cat not registered at commencement of amending local law)

(1) Section 7L -

omit

10 Amendment of s8 (minimum standards for keeping animals)

(1) Section 8 at footnote 9 'declared dangerous dogs, declared menacing dogs and restricted' -

o*mit, insert*

'regulated'

(2) Section 8 at footnote 9 -

renumber as footnote 7

11 Amendment of s9 (Identification of registered dogs)

(1) Section 9, footnote 10 'cat or' -

omit

(2) Section 9 at footnote 10 -

renumber as footnote 8

12 Amendment of s12 (Control of animals in public places)

(1) Section 12 heading and footnote 11 -

renumber as footnote 9

(2) Section 12(b) at footnote 12 -

renumber as footnote 10

13 Amendment of s14 (Duty to provide proper enclosure and prevent animal

from wandering)

(1) Section 14(1) at footnote 13 'declared dangerous dogs, declared menacing dogs and restricted' -

o*mit, insert*

'regulated'

(2) Section 14(1) at footnote 13 -

renumber as footnote 11

(3) Section 14(3) at footnote 14 -

renumber as footnote 12

14 Amendment of s16 (Limited application of division to dogs)

(1) Section 16 heading and footnote 15 -

renumber as footnote 13

(2) Section 16(3) at footnote 16 -

renumber as footnote 14

15 Amendment of s19 (Declaration of dangerous animal other than a dog)

(1) Section 19 heading and footnote 17 -

renumber as footnote 15

(2) Section 19(3) at footnote 18 -

renumber as footnote 16

16 Amendment of s20 (Power to require responsible person for declared dangerous animal to take specified action)

(1) Section 20 at footnote 19 -

renumber as footnote 17

17 Amendment of s21 (Seizure of animals)

(1) Section 21(1) and footnote 20 and 21 -

renumber as footnote 18 and 19

(2) Section 21(1)(d) at footnote 22 -

renumber as footnote 20

18 Amendment of s22 (Power to immediately destroy seized animal)

(1) Section 22 at footnote 23 after 'seized regulated' -

insert

'or prohibited'

(2) Section 22 at footnote 23 -

renumber as footnote 21

19 Amendment of s28 (Dealing with animal seized and impounded for attaching etc a person or another animal)

(1) Section 28(2) at footnote 24 -

renumber as footnote 22

20 Amendment of s30 (Destruction orders)

(1) Section 30(3)(b) at footnote 25 'See note 17.' -

omit, insert

'See the definition of information notice in Local Law No.1 (Administration) 2011, schedule 1.'

(2) Section 30(3)(b) at footnote 25 -

renumber as footnote 23

(3) Section 30(9) '***appeal***' '4' –

o*mit, insert*

'5'

21 Amendment of Schedule (Dictionary)

(1) Schedule '***restricted dog***' -

omit

(2) Schedule '***State planning instrument***' '*Sustainable Planning Act 2009*, schedule 3' –

o*mit, insert*

'Planning Act'

(3) Schedule '***wandering at large***' (b)(i) after 'a public place' –

insert

'(including any local government controlled area, facility or road)'

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Animal Management (Amendment) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Community and Environmental Management (Amendment) Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2
3 Object....2

Part 2 Amendments to local law....2

4 Amendment of s5 (Application of part)....2
5 Amendment of s6 (Declaration of local pests)....2
6 Amendment of s13 (Overgrown allotments)....2
7 Amendment of s14 (Accumulation of objects and materials on allotments)....3
8 Insertion of new s14A (Maintenance of premises)....3
'14A Maintenance of premises....3
9 Amendment of s15 (Regulation of lighting and maintaining fires in the open)....4
10 Amendment of s16 (Fire hazards)....4
11 Amendment of s19 (Removal or reduction of community safety hazards)....5
12 Amendment of s21 (Prescribed noise standards)....5

Part 1 Preliminary

1 Short title

This local law may be cited as *Community and Environmental Management (Amendment) Local Law (No. 1) 2026.*

2 Local law amended

This local law amends *Local Law No. 3 (Community and Environmental Management) 2011.*

3 Object

The object of this local is to make minor changes to *Local Law No. 3 (Community and Environmental Management) 2011.*

Part 2 Amendments to local law

4 Amendment of s5 (Application of part)

(1) Section 5 and footnotes 2, 3 and 4 -

omit, insert

'Except as otherwise provided in this local law, this part does not apply to invasive biosecurity matter, as set out in section 48(1) of the *Biosecurity Act 2014*.'

(2) Section 5, new footnote after 'Except as otherwise provided in this local law'–

insert as footnote 2

'Section 48(4) of the *Biosecurity Act 2014*, allows a local government to provide for the management of invasive animals and plants, whether or not they are prohibited or restricted matter, in its local government area.'

5 Amendment of s6 (Declaration of local pests)

(1) Section 6(4), '***chief executive***' '*Land Protection (Pest and Stock Route Management Act 2002*' -

omit, insert

'*Biosecurity Act 2014*'

6 Amendment of s10 (Pest control notices)

(1) Section 10(1) and footnote 6 and 7 –

renumber as footnote 3 and 4

7 Amendment of s13 (Overgrown allotments)

(1) Section 13(2) and footnote 8 'See footnote 5' -

omit, insert

'See *Local Law No. 1 (Administration) 2011*, Section 27.'

(2) Section 13 and footnotes 8, 9 and 10 -

renumber as footnotes 5, 6 and 7

8 Amendment of s14 (Accumulation of objects and materials on allotments)

(1) Section 14(2) and footnote 11 'See footnote 5' -

omit, insert

'See *Local Law No. 1 (Administration) 2011*, Section 27.'

(2) Section 14 and footnote 11 -

renumber as footnote 8

9 Insertion of new s14A (Maintenance of premises)

(1) After Section 14 –

insert

'14A Maintenance of premises

(1) The responsible person for a building must ensure that the building is maintained so that the appearance of the building does not affect the visual amenity of the neighbourhood or detract from the appearance of other buildings.

(2) For subsection (1), a building may affect the visual amenity of the neighbourhood or detract from the appearance of other buildings if, for example the building:

(a) is dirty or in need of painting, maintenance or repairs;

(b) is boarded up;

(c) has fallen into a total state of disrepair and is a risk to other property or people; or

(d) has become dilapidated and is a risk to other property or people.

(3) If an authorised person forms the opinion that the responsible person of a building has failed to comply with Section 14A(1) above the authorised person may, by compliance notice[1] given to the responsible person for the premises, require the responsible person to take such steps as are reasonably necessary to comply with Section 14(1) above.

(4) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

Maximum penalty—50 penalty units.'

(2) Section 14A(3), new footnote after 'compliance notice' –

---

[1] See *Local Law No.1 (Administration) 2011*, section 27.

insert as footnote 9

'See *Local Law No. 1 (Administration) 2011*, Section 27.'

10 Amendment of s15 (Regulation of lighting and maintaining fires in the open)

(1) Section 15(1), '*and Rescue Service*' -

omit, insert

'Services'

(2) Section 15(1), after 1990 –

insert

', unless the authorisation provides otherwise'

(3) Section 15(1) and footnote 13 '*and Rescue Service'*–

omit, insert

'*Services*'

(4) Section 15(1) and footnote 13 '63*'*–

omit, insert

'145A'

(5) Section 15(1) and footnote 13 '65*'* –

omit, insert

'145C'

(6) Section 15(1) and footnote 13 '69'–

omit, insert

'145G'

(7) Section 15(1) and footnote 13 'For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.' –

o*mit*

(7) Section 15 and footnote 13 -

renumber as footnote 10

11 Amendment of s16 (Fire hazards)

(1) Section 16(2) and footnote 14, 'See footnote 5' -

omit, insert

'See *Local Law No. 1 (Administration) 2011*, Section 27.'

(2) Section 16(2) and footnote 15, '*and Rescue Service'*–

omit, insert

'*Services*'

(3) Section 16(2) and footnote 15, '69'–

omit, insert

'145G'.

(4) Section 16 and footnotes 14 and 15 -

renumber as footnotes 11 and 12

12 Amendment of s19 (Removal or reduction of community safety hazards)

(1) Section 19(2) and footnote 16, 'See footnote 5' -

omit, insert

'See *Local Law No. 1 (Administration) 2011*, Section 27.'

(2) Section 19 and footnote 16 -

renumber as footnote 13

13 Amendment of s21 (Prescribed noise standards)

(1) Section 21, footnote 17 '*2008*' -

omit, insert

'*2019*'

(2) Section 21, footnote 17 '99' -

omit, insert

'131'

(3) Section 21, footnote 17 '*109*' -

omit, insert

'143'

(4) Section 21, footnotes 17 – 19 -

renumber as footnotes 14 - 16

14 Amendment of s22 (Subordinate local laws)

(4) Section 22, footnotes 20 – 25 -

renumber as footnotes 17 - 22

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2
3 Object....2

Part 2 Amendments to local law....2

4 Amendment of s4 (Relationship with other laws)....2
5 Amendment of s5 (Prohibited and restricted activities)....2

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2026.*

2 Local law amended

This local law amends *Local Law No. 4 Local Government Controlled Areas, Facilities and Roads 2011.*

3 Object

The object of this local law is to make minor amendments to *Local Law No. 4 Local Government Controlled Areas, Facilities and Roads 2011.*

Part 2 Amendments to local law

4 Amendment of s4 (Relationship with other laws)

(1) Section 4(a) and footnote 2 '*2009* and' -

omit, insert

'*2020*,'

(2) Section 4(a) and footnote '*Land Protection (Pest and stock Route Management) Act 2002*' -

omit, insert

'Stock Route Management Act 2002 and the *Biosecurity Act 2014*'

5 Amendment of s5 (Prohibited and restricted activities)

(1) Section 5(1), 'under a' -

o*mit*

'by'

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Parking (Amendment) Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2
3 Object....2

Part 2 Amendments to local law....2

4 Amendment of s1 (Short title)....2
5 Amendment of s4 (Relationship with other laws)....2
6 Amendment of s6 (Declaration of off-street regulated parking areas)....2
7 Amendment of s8 (Commercial vehicle identification labels)....2
8 Amendment of Schedule (Dictionary)....2

Part 1 Preliminary

1 Short title

This local law may be cited as *Parking (Amendment) Local Law (No. 1) 2026.*

2 Local law amended

This local law amends *Local Law No. 5 Parking 2011*.

3 Object

The object of this local law is to make minor amendments to *Local Law No. 5 Parking 2011*.

Part 2 Amendments to local law

4 Amendment of s1 (Short title)

(1) Section 1, 'model' -

omit

5 Amendment of s4 (Relationship with other laws)

(1) Section 4(a), footnote 2, 'State controlled' -

omit, insert

'declared'

6 Amendment of s6 (Declaration of off-street regulated parking areas)

(1) Section 6(1), footnote 6 '(2)' -

omit

7 Amendment of s8 (Commercial vehicle identification labels)

(1) Section 8(3), footnote 13'*1999*' -

omit, insert

'*2009*'

8 Amendment of Schedule (Dictionary)

(1) Schedule "***commercial vehicle identification label***' 'depicted in' -

omit, insert

'provided for by'

(2) Schedule "***commercial vehicle identification label***' 'as a commercial vehicle identification label' -

omit, insert

'or the applicable Australian Standard as may be from time to time'

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Parking (Amendment) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Operation of Saleyards (Amendment) Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2
3 Object....2

Part 2 Amendments to local law....2

4 Amendment of s6 (Identification of delivered stock)....2
5 Amendment of s7 (Reception of stock)....2
6 Amendment of s8 (Care and control of stock)....2
7 Amendment of s10 (Repair of damage)....2
8 Amendment of s14 (Priority of sale for auctioneers)....3
9 Amendment of s16 (Sale charges)....3
10 Amendment of s17 (Purposes other than sales)....3
11 Deletion of s18 (Dipping facilities)....3
12 Renumbering of s19 (Paddock rental) to s20 (Ticket selling etc)....3
13 Amendment and renumbering of s21 (Diseased and injured animals)....4
14 Renumbering of s22 (Control of dogs) to s23 (Branding or marking)....4
15 Amendment and renumbering of s24 (Right of entry to saleyard)....4
16 Renumbering of s25 (Motor vehicles and temporary parking restrictions) to s27 (General offences)....5
17 Renumbering of s28 (Limitation of liability)....5
18 Renumbering of s29 (Removal of persons from saleyard)....5
19 Amendment and renumbering of s30 (Exclusion from saleyard)....5
20 Renumbering of s31 (Power to remove or reduce danger) and s32 (Seizure and detention of dangerous objects)....6
21 Renumbering of s33 (Subordinate local laws)....6
22 Amendment of Schedule (Dictionary)....6

Part 1 Preliminary

1 Short title

This local law may be cited as *Operation of Saleyards (Amendment) Local Law (No. 1) 2026.*

2 Local law amended

This local law amends *Local Law No. 6 (Operation of Saleyards) 2011*.

3 Object

The object of this local law is to make minor amendments to *Local Law No. 6 Operation of Saleyards 2011*.

Part 2 Amendments to local law

4 Amendment of s6 (Identification of delivered stock)

(1) Section 6(1) footnote marker 1 and footnote 1 -

omit

(2) Section 6(1)(b) –

omit

5 Amendment of s7 (Reception of stock)

(1) Section 7(3), 'An auctioneer or agent taking' -

omit, insert

'A person permitted by the local government to take'

6 Amendment of s8 (Care and control of stock)

(1) Section 8, footnote 2 -

omit, insert

'Refer also to the animal care and protection legislation'

(2) Section 8 footnote marker 2 and footnote 2

renumber as footnote 1

(3) Section 8(a) 'has taken delivery of the stock,' –

omit, insert

'the stock were consigned to,'

7 Amendment of s10 (Repair of damage)

(1) Section 10(1), 'on demand' -

omit, insert

'if demand is made'

8 Amendment of s14 (Priority of sale for auctioneers)

(1) Section 14(4) -

omit

(2) Section 14(5) – (10) –

renumber as 14(4) – 14(9)

9 Amendment of s16 (Sale charges)

(1) Section 16(3) 'thirty'-

o*mit, insert*

'three'

(2) Section 16(3)(a) -

omit

(3) Section 16(3)(b) '(b)' –

o*mit*

(4) Section 16(3) 'return' -

o*mit, insert*

'Livestock Management Program utilised by the local government'

10 Amendment of s17 (Purposes other than sales)

(1) Section 17(1)(c) -

omit

(2) Section 17(1)(d) –

Renumber as 17(1)(c)

11 Deletion of s18 (Dipping facilities)

(1) Section 18 -

omit

12 Renumbering of s19 (Paddock rental) to s20 (Ticket selling etc)

(1) Section 19 and 20 -

renumber as 18 and 19

13 Amendment and renumbering of s21 (Diseased and injured animals)

(1) Section 21(1) after 'the manager may' -

insert

'take whatever steps are required, or give any notices that may be required, in order to comply with animal care and protection legislation and may also'

(2) Section 21(1) 'remove the stock from the saleyard' -

omit, insert

'seek veterinary consultation for the stock at the saleyard'

(3) Section 21(2) 'remove the stock from the saleyard' -

omit, insert

'take steps to comply with the written notice'

(4) Section 21(3) 'remove the stock from the saleyard' -

omit, insert

'take steps to comply with the written notice'

(5) Section 21(3)(b) after 'destroy the stock' -

insert

'; or'

(6) Section 21(3) -

insert

'(c) seek a veterinary consultation.'

(7) Section 21 -

renumber as 20

(8) Footnote 3, 'See footnote 2' -

o*mit, insert*

'See footnote 1'.

(9) Footnote marker 3-

renumber as footnote marker 2

14 Renumbering of s22 (Control of dogs) to s23 (Branding or marking)

(1) Section 22 and 23 -

Renumber as 21 and 22

15 Amendment and renumbering of s24 (Right of entry to saleyard)

(1) Section 24, at the end of the heading -

insert

'and compliance with saleyard site rules'

(2) Section 24 paragraph 1 -

insert

'(1)'

(3) Section 24 after '50 penalty units'-

insert

'(2) Any person entering the saleyards must comply with the saleyard site rules.'

(4) Section 24 -

Renumber as 23

16 Renumbering of s25 (Motor vehicles and temporary parking restrictions) to s27 (General offences)

(1) Section 25 to 27 -

Renumber as 24 to 26

17 Renumbering of s28 (Limitation of liability)

(1) Footnote 4 -

renumber as footnote 3.

(2) Section 28 -

renumber as 27

18 Renumbering of s29 (Removal of persons from saleyard)

(1) Section 29 -

renumber as *28*

19 Amendment and renumbering of s30 (Exclusion from saleyard)

(1) Section 30, '29(1)' -

omit, insert

'28(1)'

(2) Section 30, '29(3)' -

omit, insert

'28(3)'

(3) Section 30 -

renumber as 29

20 Renumbering of s31 (Power to remove or reduce danger) and s32 (Seizure and detention of dangerous objects)

(1) Section 31 to Section 32 -

renumber as 30 to 31

21 Renumbering of s33 (Subordinate local laws)

(1) Section 33 -

renumber as *32*

(2) Footnotes 5 – 8

renumber as footnotes 4 - 7

22 Amendment of Schedule (Dictionary)

(1) Schedule, after '***adequate food'*** -

insert

'***animal care and protection legislation*** means any legislation, standards or codes of practice dealing with the care and use of animals such as the *Animal Care and Protection Act 2001* and associated regulation and the *Biosecurity Act 2014* and associated regulation;'

(2) Schedule, after '***saleyard***' -

insert

'***saleyard site rules*** means any rules published by the manager as the general rules applicable at the saleyard site.'

(3) Schedule, '***stock***', '(c) any other species of animal prescribed by subordinate local law' -

omit, insert

'(c) goats; and

(d) sheep; and

(e) any other animal approved by the manager from time to time'.

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Operation of Saleyards (Amendment) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Aerodromes (Amendment) Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2
3 Object....2

Part 2 Amendments to local law....2

4 Amendment of s21 (Approval of temporary structures, etc.)....2
5 Insertion of new s25 (Moving of aircraft)....2
6 Renumbering of s25 (Aerodrome damage) to s27 (Subordinate local laws)....3

Part 1 Preliminary

1 Short title

This local law may be cited as *Aerodromes (Amendment) Local Law (No. 1) 2026.*

2 Local law amended

This local law amends *Local Law No. 7 (Aerodromes) 2011*.

3 Object

The object of this local law is to make some minor amendments and insert a new section regarding moving of aircraft into *Local Law No. 7 (Aerodromes) 2011.*

Part 2 Amendments to local law

4 Amendment of s21 (Approval of temporary structures, etc.)

(1) Section 21(1), after 'The local government may' -

insert

'(only after appropriate consultation with relevant stakeholders as required for the protection of airspace)'

5 Insertion of new s25 (Moving of aircraft)

(1) After Section 24 -

insert

'25 Moving of aircraft

(1) Where an authorised person has reasonable grounds to consider that a relevant person has committed an offence against this local law, that authorised person may give a written notice to a person who is a relevant person in relation to the aircraft, directing the person to—

(a) remove the aircraft from the aerodrome; or

(b) remove the aircraft to an area specified by the authorised person in the notice.

(2) A relevant person to whom a direction is given under subsection (1) must comply with the direction.

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

(3) If a person fails to comply with a direction given under subsection (1) without reasonable and lawful excuse, an authorised person may, with such assistance and reasonable force as is necessary, remove the aircraft as required by the direction.

(4) An action does not lie against the local government, an authorised person or any other officer, employee or agent of the local government acting in the course of his or her employment, for or in respect of—

(a) loss of, or damage to, an aircraft during its removal under subsection (3); or

(b) loss of, or damage to, an aircraft so removed while it is in the custody, possession or control of the local government, an authorised person or any other officer, employee or agent of the local government.

(5) Subsection (4) does not apply to loss or damage wilfully or negligently caused by the local government, an authorised person or any other officer, employee or agent of the local government.'

6 Renumbering of s25 (Aerodrome damage) to s27 (Subordinate local laws)

(1) Section 25 to 27 -

renumber as Section 26 to Section 28

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Aerodromes (Amendment) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Waste Management (Amendment) Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2
3 Object....2

Part 2 Amendments to local law....2

4 Amendment of s4 (Relationship to other laws)....2
5 Amendment of s12 (Requirements for storing industrial waste)....2
6 Amendment of s15 (Restrictions on burning waste at waste facility....2
7 Insertion of new s18 (Designated area)....2
8 Renumbering of s18 (Subordinate local laws)....3
9 Amendment and renumbering s19 (Continuation of Chapter 5A requirements) 3
10 Amendment of Schedule (Dictionary)....4

Part 1 Preliminary

1 Short title

This local law may be cited as *Waste Management (Amendment) Local Law (No. 1) 2026.*

2 Local law amended

This local law amends *Local Law No. 8 (Waste Management) 2018*.

3 Object

The object of this local law is to make amendments to *Local Law No. 8 (Waste Management) 2018.*

Part 2 Amendments to local law

4 Amendment of s4 (Relationship to other laws)

(1) Section 4(2) -

omit, insert

'This Local Law replaces Chapter 6 (Waste management by local governments) in the *Environmental Protection Regulation 2019*'

5 Amendment of s12 (Requirements for storing industrial waste)

(1) Section 12(1), 'A" -

omit, insert

'An'

6 Amendment of s15 (Restrictions on burning waste at waste facility

(1) Section 15(c), 'and Emergency' -

omit

7 Insertion of new s18 (Designated area)

(1) After Section 17 -

insert

'**18 Designated area**

(1) A person must not place or leave any waste on land other than at a waste facility approved for that purpose in the area designated for that particular type of waste.'

Maximum penalty—30 penalty units

8 Renumbering of s18 (Subordinate local laws)

(1) Section 18 -

renumber as section 19

9 Amendment and renumbering s19 (Continuation of Chapter 5A requirements)

(1) Section 19, heading, 'chapter 5A'

omit, insert

'chapter 6'

(2) Section 19(1) before 'Environmental Protection Regulation' –

insert

'the'

(3) Section 19(1) '*2008'*

omit, insert

'*2019*'

(4) Section 19(1), '5A'

omit, insert

'6'

(5) Section 19(2) '*2008'*

omit, insert

'*2019*'

(6) Section 19(2), '5A'

omit, insert

'6'

(7) Section 19(3), example, on two occasions '*2008*'

omit, insert

'*2019*'

(8) Section 19(3), example, on two occasions '81ZH(1)'

omit, insert

'102'

(9) Section 19 -

renumber as Section 20.

10 Amendment of Schedule (Dictionary)

(1) Schedule, '***regulated waste***', '*2008*' -

omit, insert

'*2019*'

(2) Schedule, '***serviced premises'***, (a)(i) '2011, section 7' -

omit, insert

'*2023*'

(3) Schedule, '***serviced premises***, (a)(ii) after 'Section 5'-

insert

'above'

(4) Schedule, '***waste***', '*Environmental Protection Act 1994*' -

omit, insert

'*Waste Reduction and Recycling Act 2011*'

(5) Schedule, '***waste container storage place'***, after 'section 8(1)'-

insert

'above'

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Waste Management (Amendment) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Animal Management (Amendment) Subordinate Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2

Part 2 Amendments to subordinate local law....2

3 Amendment to Schedule 2 (Requirement for approval to keep animal)....2
4 Amendment to Schedule 5 (Minimum standards for keeping particular animals)3
5 Amendment to Schedule 8 (Requirements for proper enclosures for animals) . 3
6 Replacement of Schedule 13 (Designated town area)....3
7 Amendment to Schedule 14 (Dictionary)....3

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Animal Management (Amendment) Subordinate Local Law (No. 1) 2026.*

2 Local law amended

The subordinate local law amends *Subordinate Local Law No. 2 (Animal Management) 2011.*

Part 2 Amendments to subordinate local law

3 Amendment to s9 (Identification for dogs in certain circumstances - Authorising local law, s 9)

(1) Section 9, "12(3)"

o*mit, insert*

'12(2)'

4 Amendment to Schedule 1 (Prohibition on keeping animals)

(1) Table Item 9, Column 2 "4000m2"

o*mit, insert*

'500m2'

5 Amendment to Schedule 2 (Requirement for approval to keep animal)

(1) Footnote 1, '*5*' -

o*mit, insert*

'1'

(2) Footnote 1, '*2011*' -

o*mit, insert*

'2026'

(3) Table Item 2, Column 2, after 'over the age' -

insert

'of'

(4) Table insert new Item 3 -

3.	Bees	(a) More than 2 hives on an allotment with an area of 500–1,000m²; (b) More than 5 hives on an allotment with an area of 1,000–2,000m²; (c) More than 10 hives on an allotment with an area of 2,000–4,000m²

6 Amendment to Schedule 5 (Minimum standards for keeping particular animals)

(1) Table Item 5, Column 2 subparagraph (c), after 'address' -

insert

*'*hive identification number (HIN) pursuant to Sections 158 and 159 of the *Biosecurity Act 2014* (if applicable)*'*

(2) Table Item 5, Column 2 subparagraph (d), 'has been approved by the local government' -

o*mit, insert*

*'*exists*'*

(3) Table Item 5, Column 2 subparagraph (d), 'the code of practice'

o*mit, insert*

*'*that code of practice; and*'*

(4) Table Item 5, Column 2 new subparagraph (e) -

insert

'All legislative and other requirements for the keeping of bees, such as registration under Biosecurity legislation are adhered to.'

7 Amendment to Schedule 8 (Requirements for proper enclosures for animals)

(1) Table Item 1, Column 2, subparagraph (1), 'comfrotably' -

o*mit, insert*

'comfortably'

8 Replacement of Schedule 13 (Designated town area)

(1) Schedule 13 -

o*mit, insert*

'Schedule 13 at Part 3'

9 Amendment to Schedule 14 (Dictionary)

(1) Schedule 14, '***assistance dog***' -

o*mit*

(2) Schedule 14, '***excess dogs approval*** -

o*mit*

(3) Schedule 14, '***guide dog***' -

o*mit*

(4) Schedule 14, '***handler***' -

o*mit*

(5) Schedule 14, '***hearing dog*** -

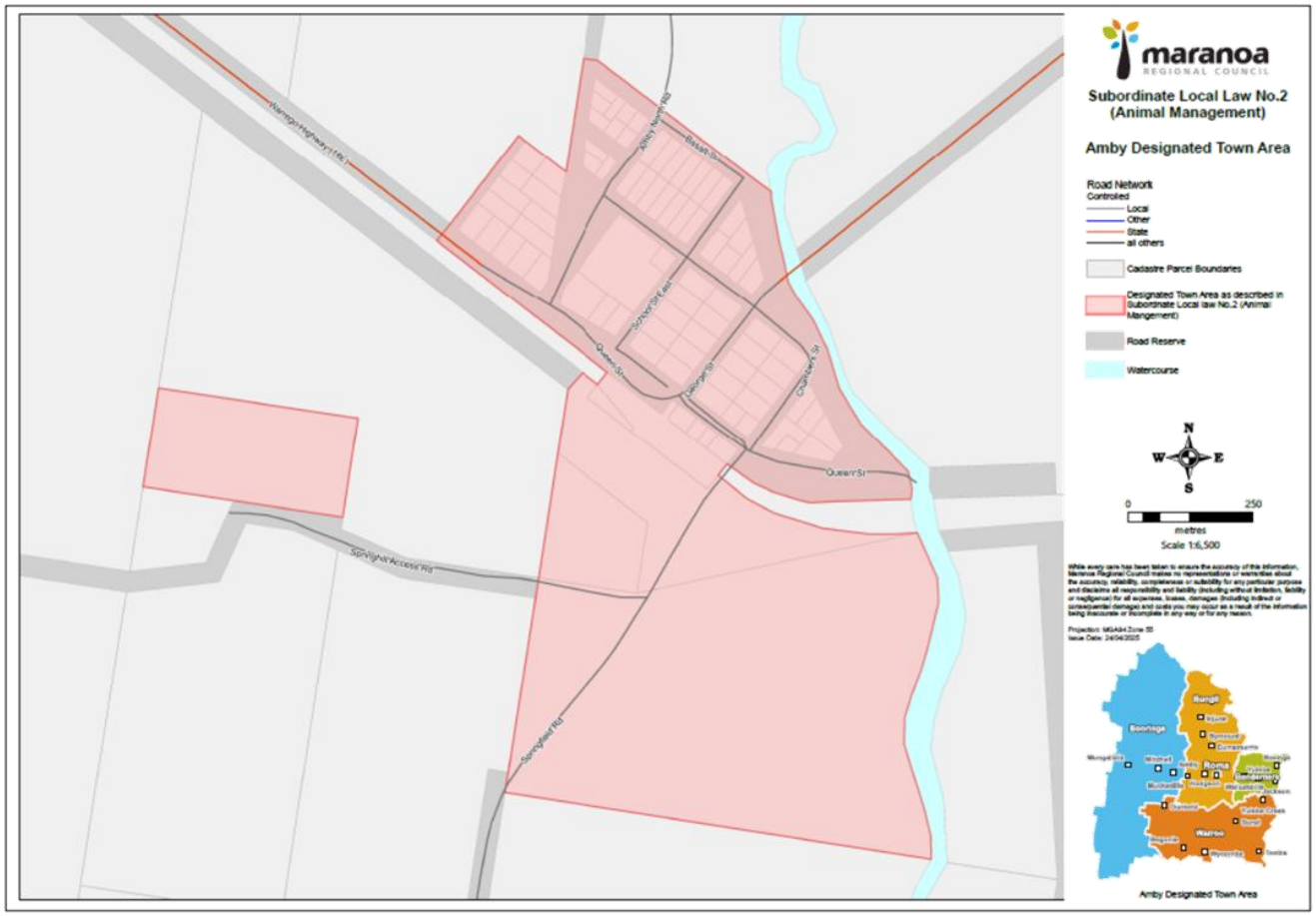
o*mit*

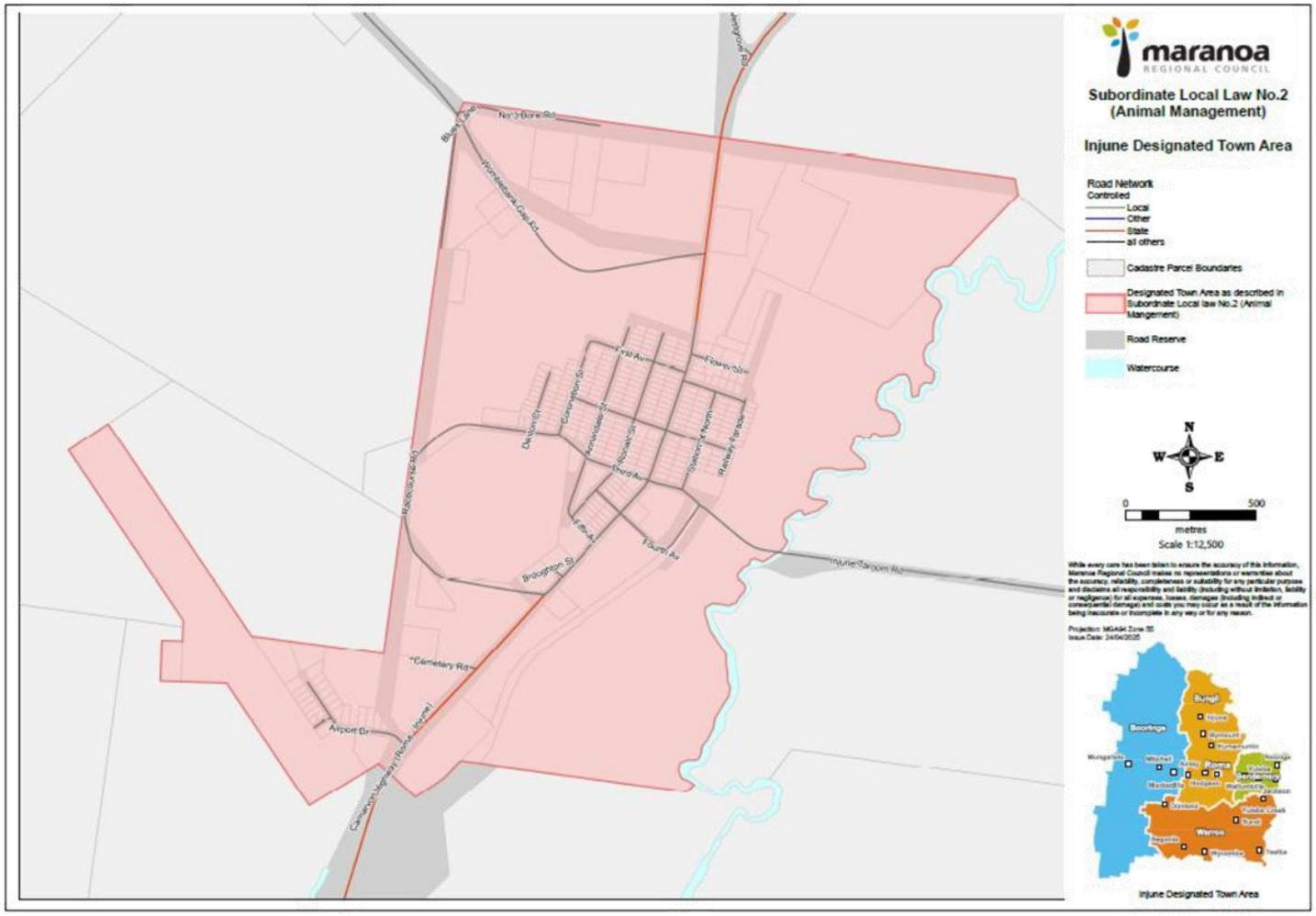
(6) Schedule 14, '***land***, '*Sustainable Planning Act 2009'* -

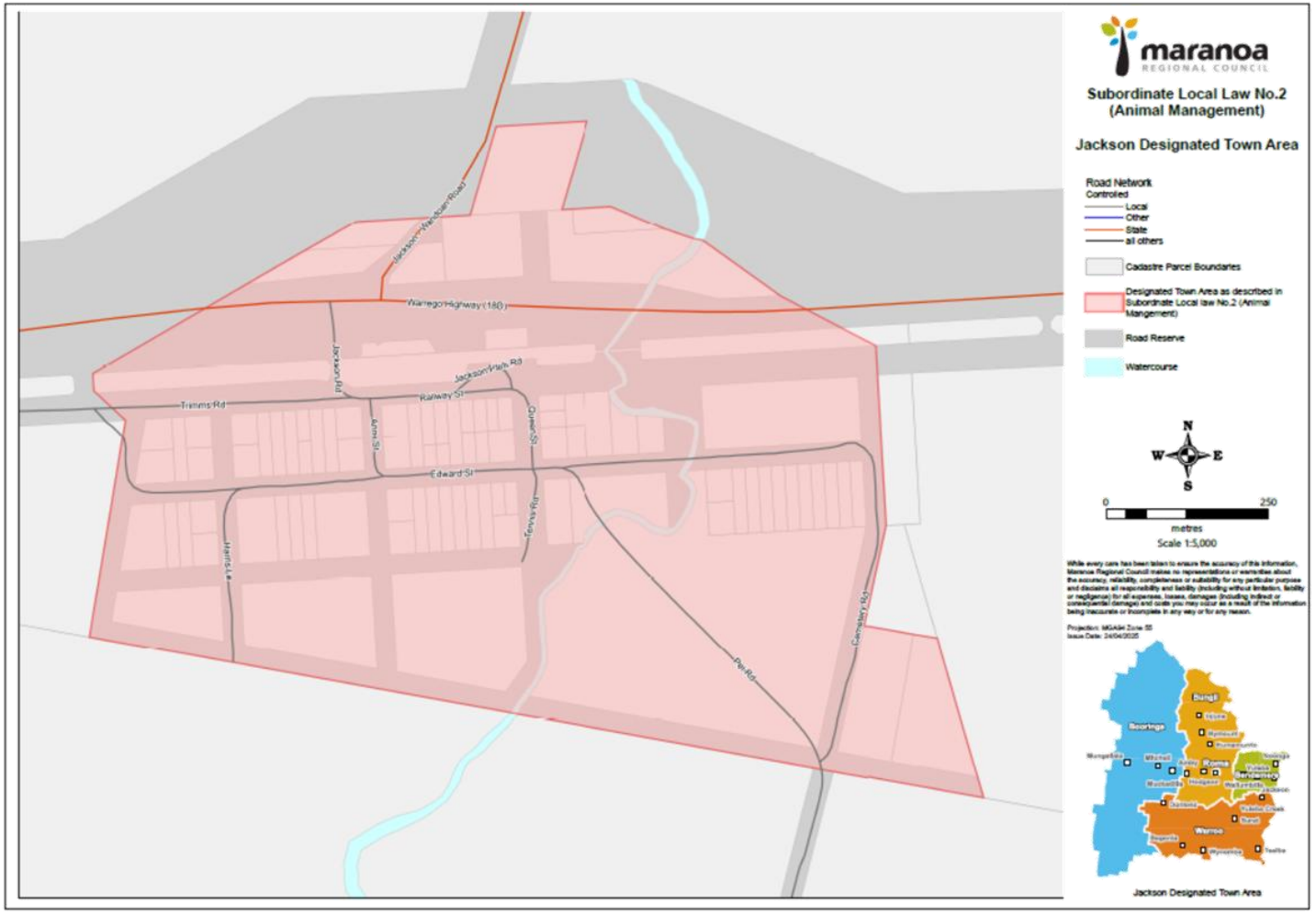
o*mit, insert*

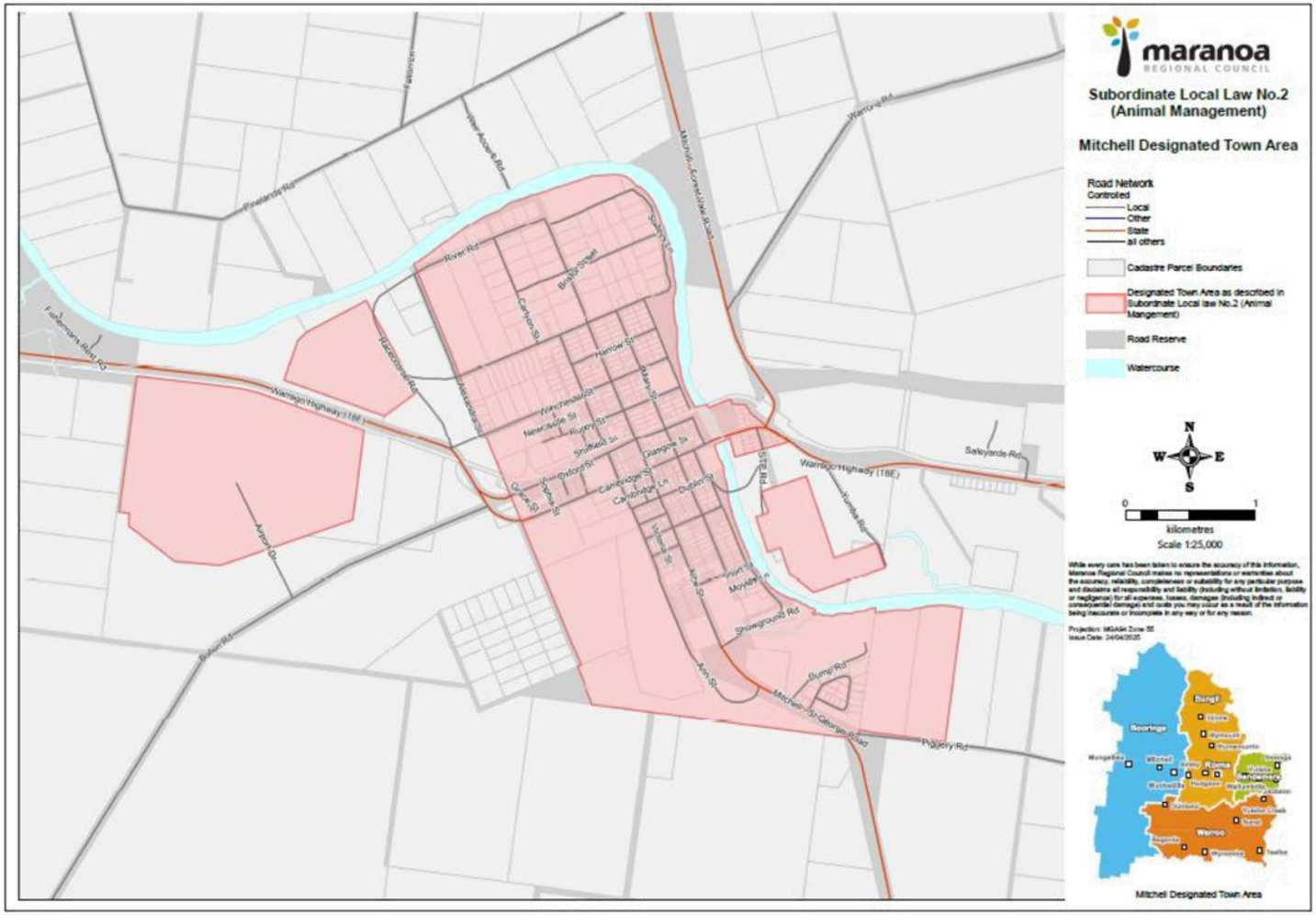
'*Planning Act 2016*'

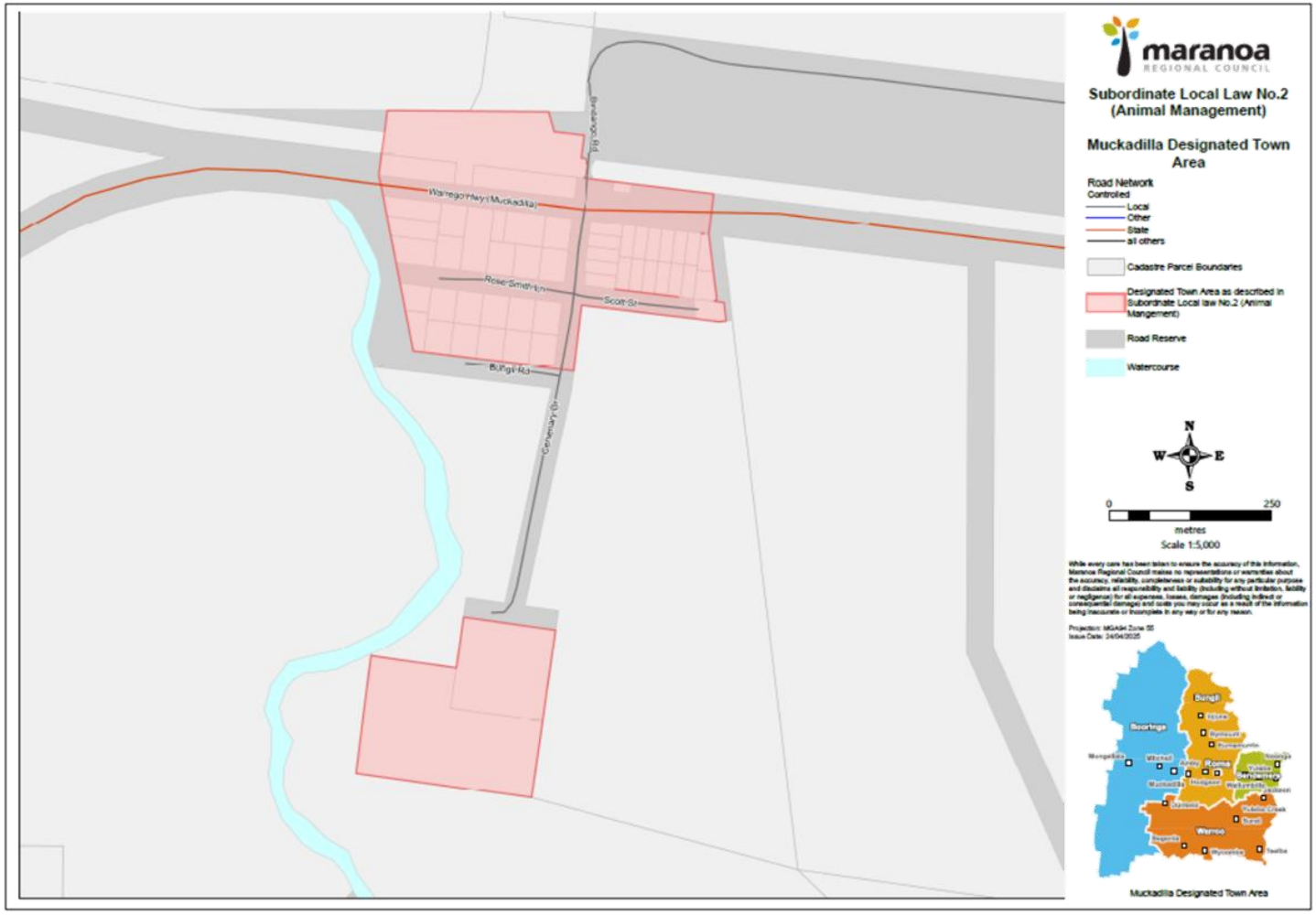
Part 3 Schedule 13 Designated town area

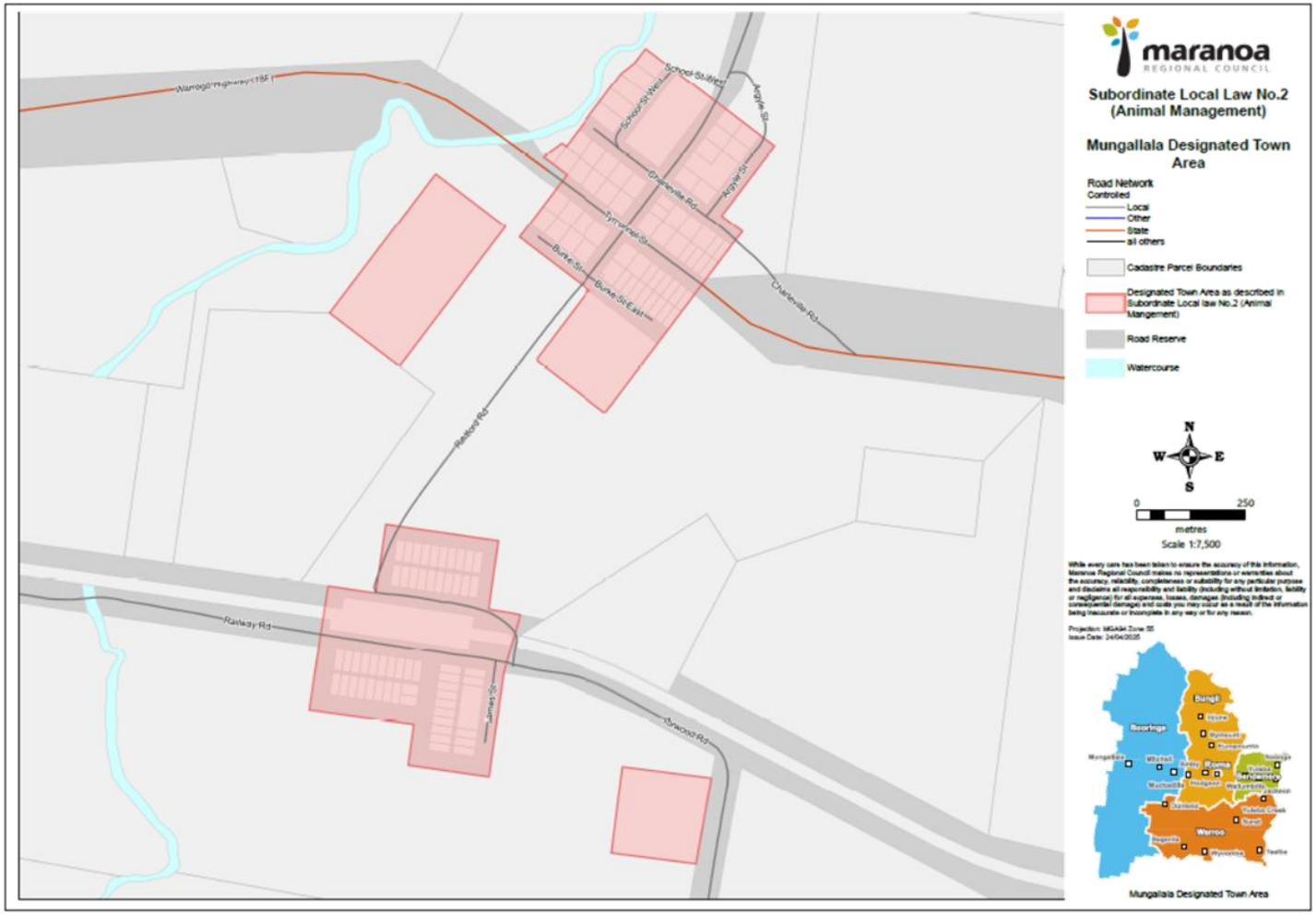


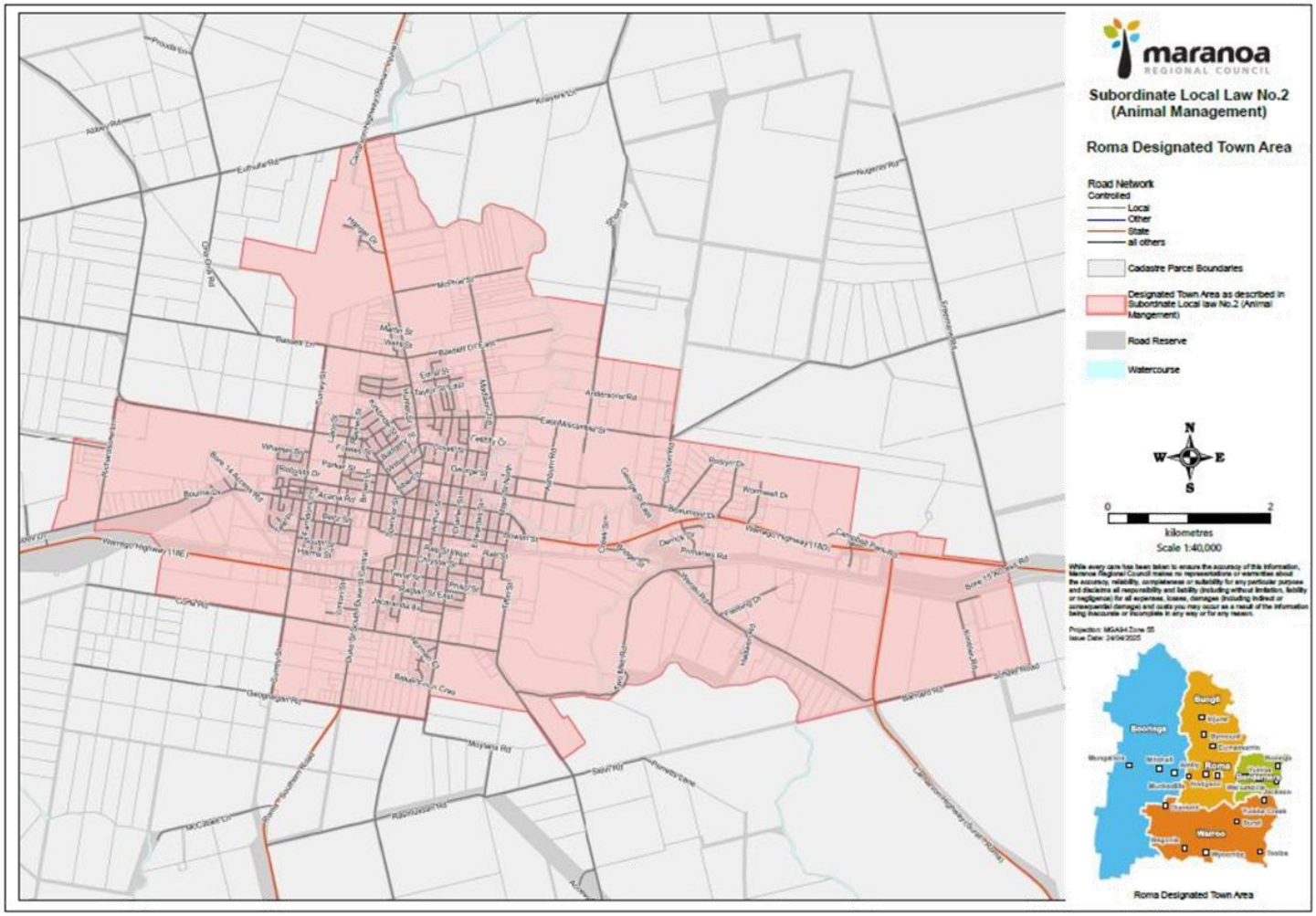

maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Injune Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
500
metres
Scale 1:12,500
Injune Designated Town Area

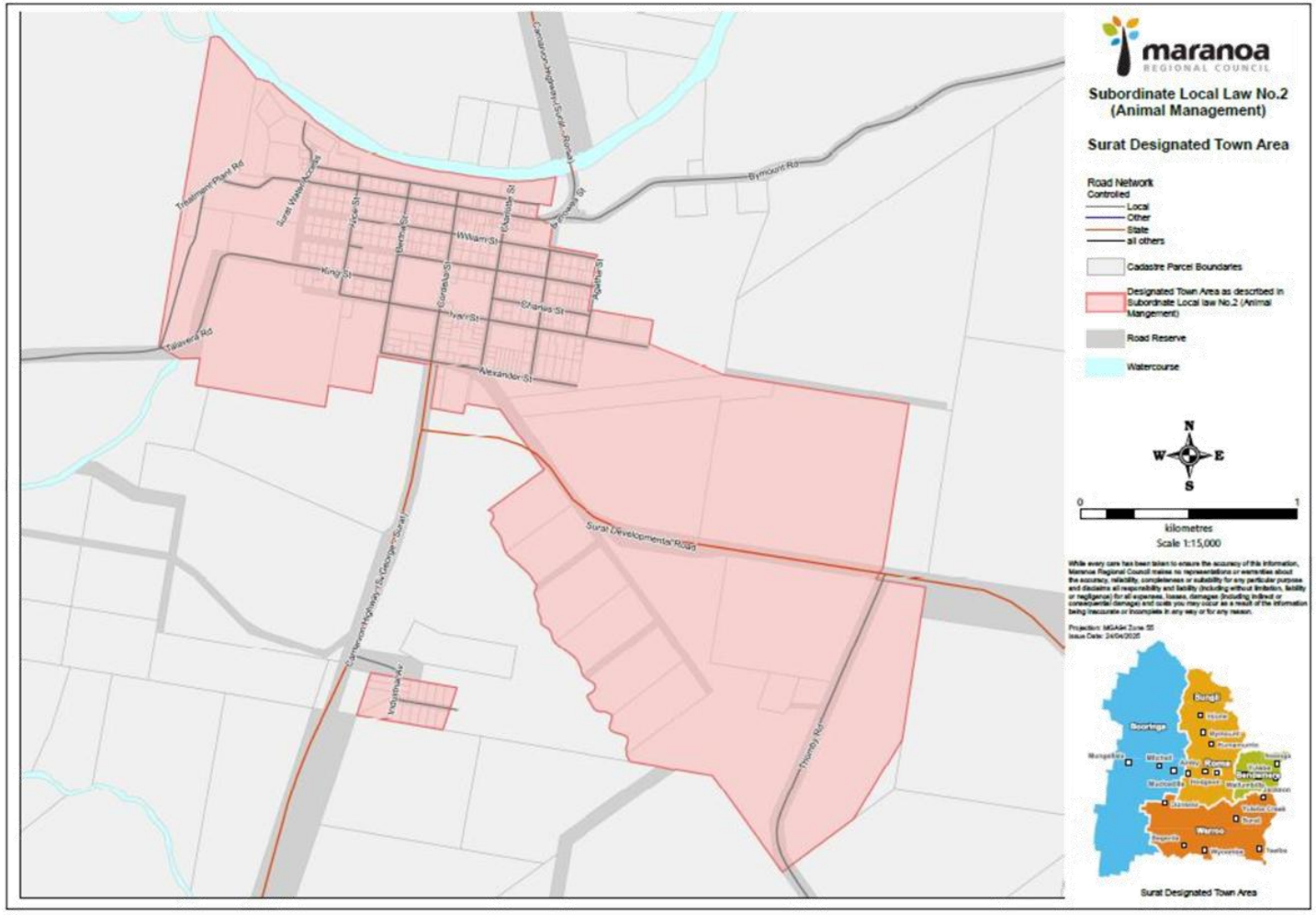

maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Jackson Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
250
metres
Scale 1:5,000
Warrego Highway (180)
Jackson Wandoan Road
Jackson Rd
Jackson Park Rd
Railway St
Trimms Rd
Anne St
Queen St
Edward St
Harris Ln
Tennis Rd
Pei Rd
Cemetery Rd
Bungil
Booringa
Roma
Warroo
Jackson Designated Town Area

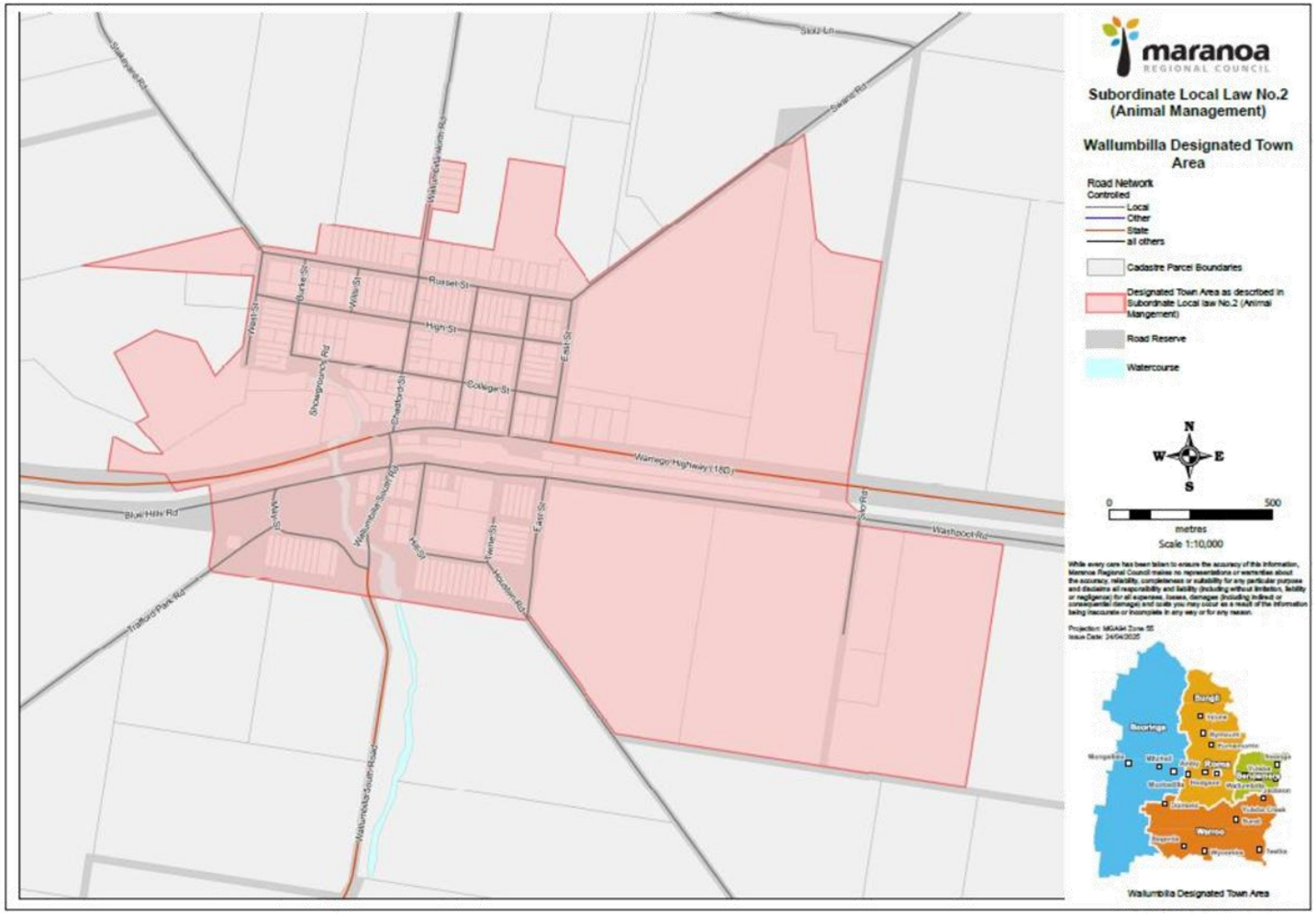

maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Mitchell Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
1
kilometres
Scale 1:25,000
Mitchell Designated Town Area

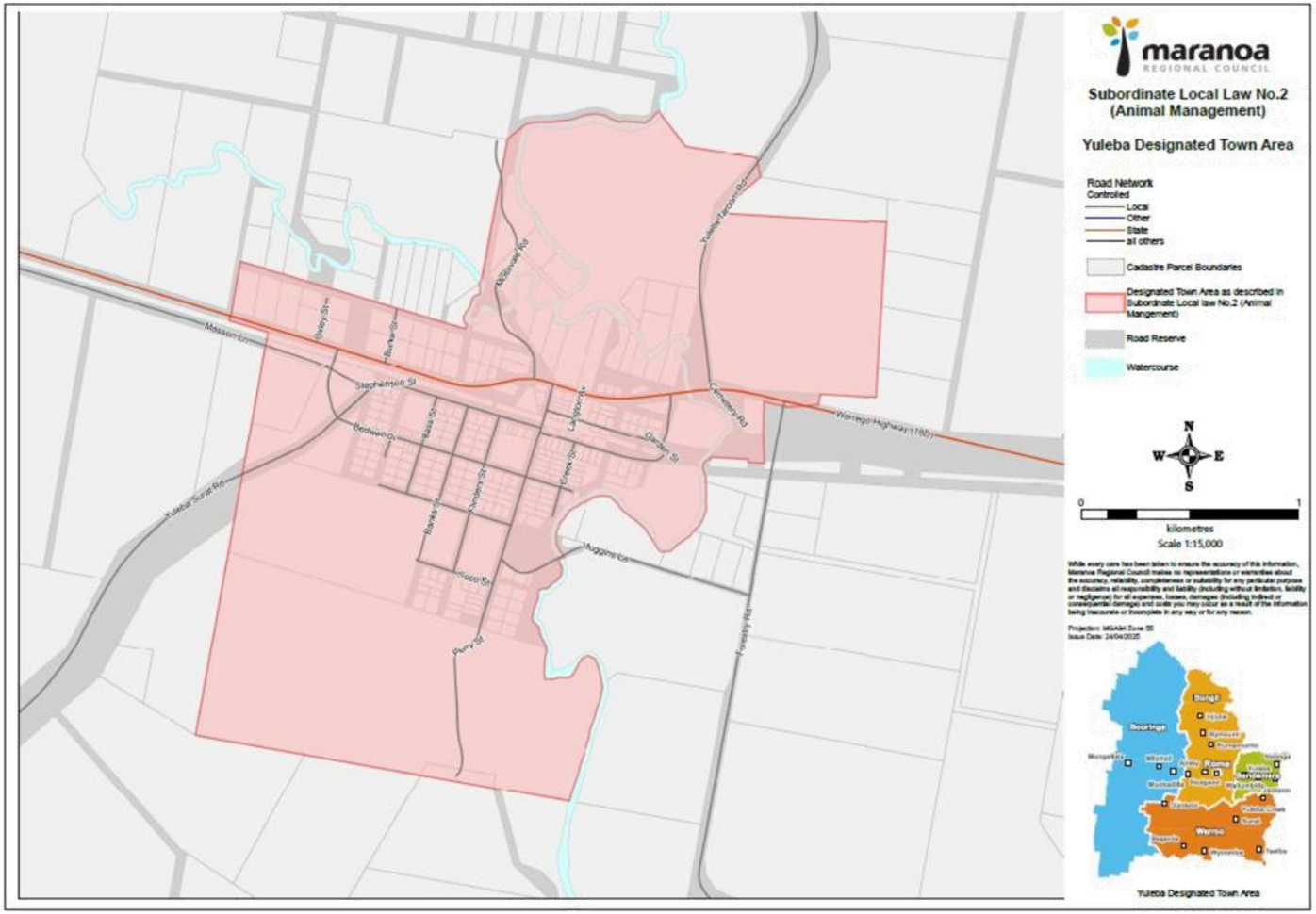

maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Muckadilla Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
250
metres
Scale 1:5,000
Warrego Hwy (Muckadilla)
Rose Smith Dr
Scott St
Burgi Rd
Cemetery Dr
Muckadilla Designated Town Area


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Mungallala Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
250
metres
Scale 1:7,500
Mungallala Designated Town Area


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Roma Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
2
kilometres
Scale 1:40,000
Roma Designated Town Area


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Surat Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
1
kilometres
Scale 1:15,000
Surat Designated Town Area


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Wallumbilla Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
500
metres
Scale 1:10,000
Wallumbilla Designated Town Area
Russel St
High St
College St
Warrego Highway (18D)
Washpool Rd
Blue Hills Rd
Trafford Park Rd
Wallumbilla South Road
Showgrounds Rd
Chedford St
Burke St
Willis St
West St
East St
Hill St
Tanner St
Houston Rd
Swans Rd
Sloiz Ln
Bungil
Beoringa
Warroo


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Yuleba Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
1
kilometres
Scale 1:15,000
Yuleba Designated Town Area

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....
Chief Executive Officer

Maranoa Regional Council
Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Subordinate Local law amended....2

Part 2 Amendments to subordinate local law....2

3 Amendment of s5 (Declared local pests)....2
4 Amendment of s7 (Prohibition on lighting or maintaining fires – Authorising local law, s 15(2)....2
5 Amendment of s10 (Prescribed requirements for community safety hazards – Authorising local law, s 20(1)....2
6 Amendment of Schedule 2 (Persons exempted from offence of introducing etc declared local pest)....2
7 Replacement in Schedule 5 (Prescribed noise standards)....3
8 Amendment in Schedule 6 (Dictionary)....3

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2026.*

2 Subordinate Local law amended

This subordinate local law amends *Subordinate Local Law No. 3 (Community and Environmental Management) 2011.*

Part 2 Amendments to subordinate local law

3 Amendment of s5 (Declared local pests)

(1) Section 5, after 'declared' -

insert

'local'

4 Amendment of s7 (Prohibition on lighting or maintaining fires – Authorising local law, s 15(2)

(1) Section 7(1), footnote 1, before 'Pursuant to' -

insert

'See the *Fire Services Act 1990*, section 145A, regarding fires authorised by notification, section 145C regarding fires authorised by permit and section 145G, regarding notices requiring occupiers to take measures to reduce the risk of fire.'

(2) Section 7(1), footnote 1, 'section 63 of the *Fire and Rescue Service Act 2004'* –

omit, insert

*'*section 145A of the *Fire Services Act 1990'*

5 Amendment of s10 (Prescribed requirements for community safety hazards – Authorising local law, s 20(1)

(1) Section 10, after 'responsible person' insert footnote 2 -

insert

'For the definition of ***responsible person*** see *Local Law No. 3 (Community and Environmental Management) 2011*'

6 Amendment of Schedule 2 (Persons exempted from offence of introducing etc declared local pest)

(1) Schedule 2, Column 2 -

insert

'No animal or plant prescribed'

7 Replacement in Schedule 5 (Prescribed noise standards)

(1) Schedule 5, Table -

omit, replace

Column 1 **Section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3**	**Column 2 Prescribed noise standard**	**Column 3** **Applicable part of local government's area**
Each section in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3	The prescribed noise standard is the relevant default noise standard set out in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3	Entire local government area

8 Amendment in Schedule 6 (Dictionary)

(1) Schedule 6, '***plant***', '*Land Protection (Pest and Stock Route Management Act 2002*' -

o*mit, insert*

'*Biosecurity Act 2014*'

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Maranoa Regional Council
Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2

Part 2 Amendments to subordinate local law....2

3 Amendment of Schedule 2 (Restricted activities for local government controlled areas or roads)....2
4 Amendment of Schedule 3 (Motor vehicle access areas in local government controlled areas)....3
5 Amendment of Schedule 4 (Opening hours for local government controlled areas)....3
6 Amendment of Schedule 7 (Dictionary)....3

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2026.*

2 Local law amended

The subordinate local law amends *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.*

Part 2 Amendments to subordinate local law

3 Amendment of Schedule 1 (Prohibited activities for local government controlled areas or roads)

(1) Schedule 1, Item 1, Column 2, subparagraph (a), 'Taking'

omit, insert

'Subject to the *Peaceful Assembly Act 1992* and the *Human Rights Act 2019*, taking'

(2) Schedule 1, Item 1, Column 2, subparagraph (d), after 'his or her duties as an emergency services officer'

insert

'or is a person authorised to conduct utility installation or maintenance'

(3) Schedule 1, Item 4, Column 2, subparagraph (f), 'righteous'

omit, insert

'riotous'

(4) Schedule 1, Item 5, Column 2, subparagraph (d), 'righteous'

omit, insert

'riotous'

(5) Schedule 1, Item 8, Column 2, subparagraph (d), 'righteous'

omit, insert

'riotous'

(6) Schedule 1, Item 9, Column 2, subparagraph (d), 'righteous'

omit, insert

'riotous'

4 Amendment of Schedule 2 (Restricted activities for local government controlled areas or roads)

(1) Schedule 2, Item 2, Column 2, subparagraph (b) after 'Installing'

insert

', removing or replacing'

(2) Schedule 2 new Item 11 -

insert

11	Local Government Saleyard (Roma Saleyard)	Use of Saleyard	Permitted only if authorised under the conditions of an approval for a prescribed activity.

5 Amendment of Schedule 3 (Motor vehicle access areas in local government controlled areas)

(1) Schedule 3, Column 2 -

insert

'No vehicles prescribed'

6 Amendment of Schedule 4 (Opening hours for local government controlled areas)

(1) Schedule 4, Column 2 -

insert

'Nothing specified'

7 Amendment of Schedule 7 (Dictionary)

(1) Schedule 7, '***complementary accommodation***' '*Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*' -

omit, insert

'*Local Law No. 1 (Administration) 2011*'

(2) Schedule 7, '***emergency services officer***', subparagraph (b) 'Fire and Rescue Service' -

omit, insert

'Fire Department'

(3) Schedule 7, '***emergency services officer***', subparagraph (c) -

o*mit, insert*

'an officer of the Queensland Police Service, or an officer of a police service of the Commonwealth or another State or Territory; or'

(4) Schedule 7, '***emergency services officer***', subparagraph (d) after 'an officer of the' -

insert

'Queensland'

(5) Schedule 7, '***emergency services officer***', subparagraph (e) -

omit

(6) Schedule 7, '***emergency services officer***', subparagraph (f) -

omit, insert

'an officer, employee or member of a government or other entity whose functions include managing or carrying out activities in response to a disaster or emergency situation'

(7) Schedule 7, '***emergency services officer***', subparagraph (f) -

renumber as (e)

(8) Schedule 7, '***plant***' '*Land Protection (Pest and Stock Route Management) Act 2002*'-

omit, insert

'*Biosecurity Act 2014*'

(9) Schedule 7, '***sewerage system***' '*2002*'-

omit, insert

'*2018*'

(10) Schedule 7, '***unregistered***' '*1999*' -

omit, insert

'*2021*'

(11) Schedule 7, '***waste***' '*Environmental Protection Act 1994*' -

omit, insert

'*Waste Reduction and Recycling Act 2011*'

(12) Schedule 7, '***water supply system***' '*Standard Plumbing and Drainage Regulation 2003*' -

omit, insert

'*Plumbing and Drainage Act 2018*'

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

Maranoa Regional Council
Parking (Amendment) Subordinate Local Law (No. 1) 2026

Contents

Part 1 Preliminary....2

1 Short title....2
2 Local law amended....2

Part 2 Amendments to subordinate local law....2

3 Replacement of Schedule 1 (Declaration of traffic area)....2
4 Replacement of Schedule 2 (Declaration of off-street regulated parking areas)2

Part 3 Schedule 1 Declaration of traffic area....3

Part 4 Schedule 2 Declaration of off-street regulated parking areas....4

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Parking (Amendment) Subordinate Local Law (No. 1) 2026.*

2 Local law amended

The subordinate local law amends *Subordinate Local Law No. 5 (Parking) 2011.*

Part 2 Amendments to subordinate local law

3 Amendment of s9 (Infringement notice penalty amounts-Authorising local law, s 9)

(1) Section 9 'the corresponding amount stated' -

o*mit, insert*

'calculated by reference to the number of penalty units in the corresponding row'

4 Replacement of Schedule 1 (Declaration of traffic area)

(1) Schedule 1 -

o*mit, insert*

'Schedule 1 at Part 3'

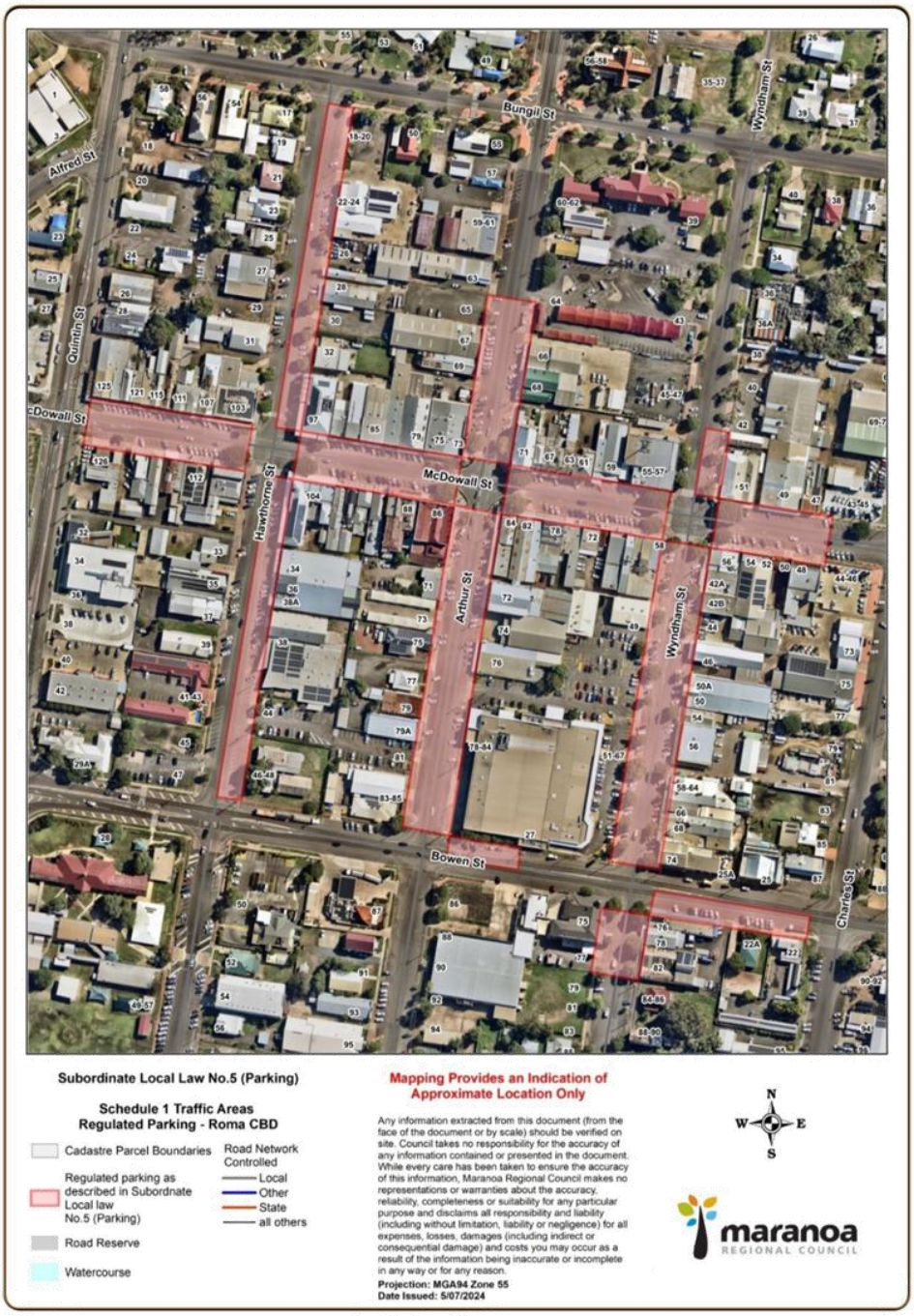
5 Replacement of Schedule 2 (Declaration of off-street regulated parking areas)

(1) Schedule 2 -

o*mit, insert*

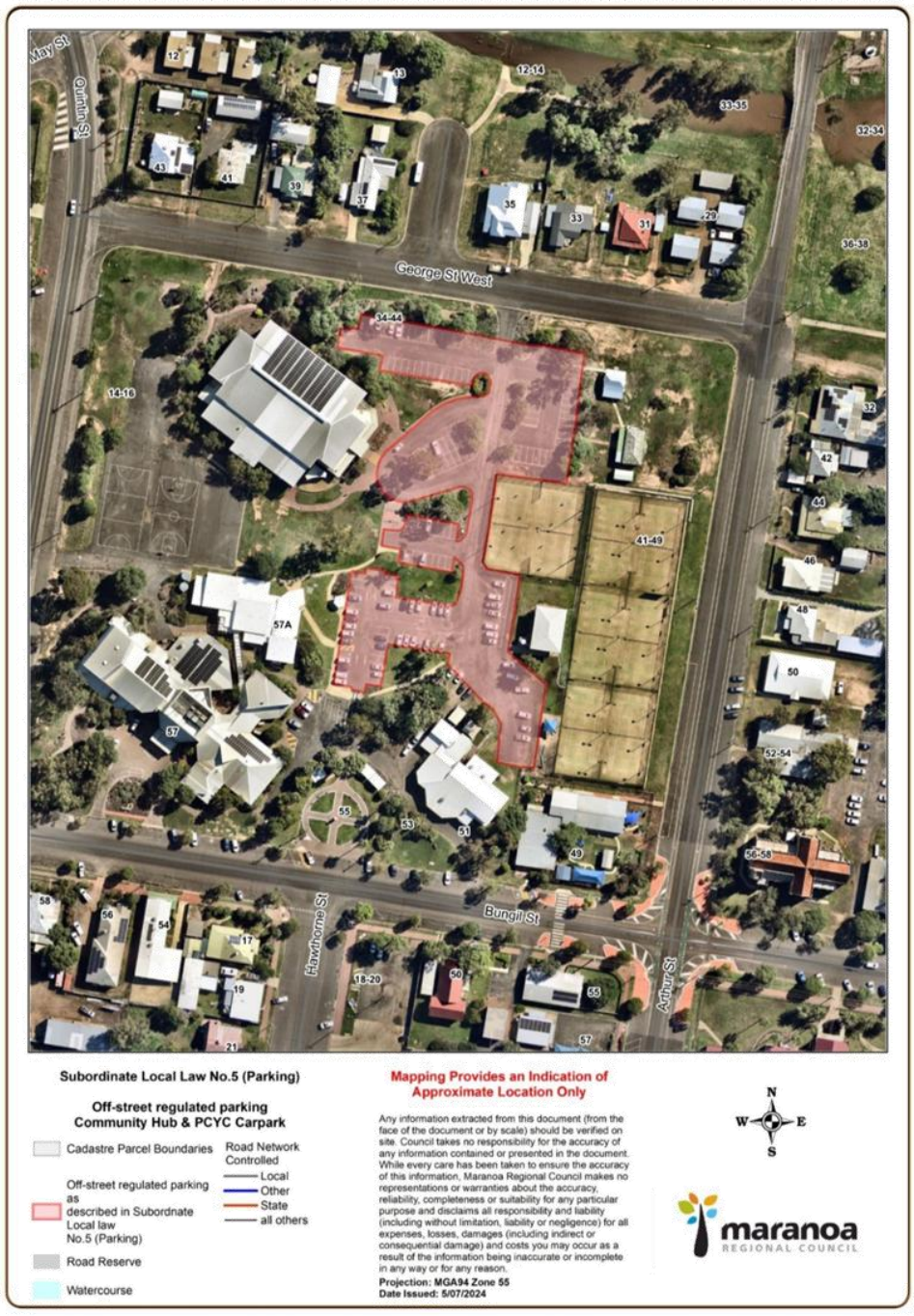
'Schedule 2 at Part 4'

Part 3 Schedule 1 Declaration of traffic area

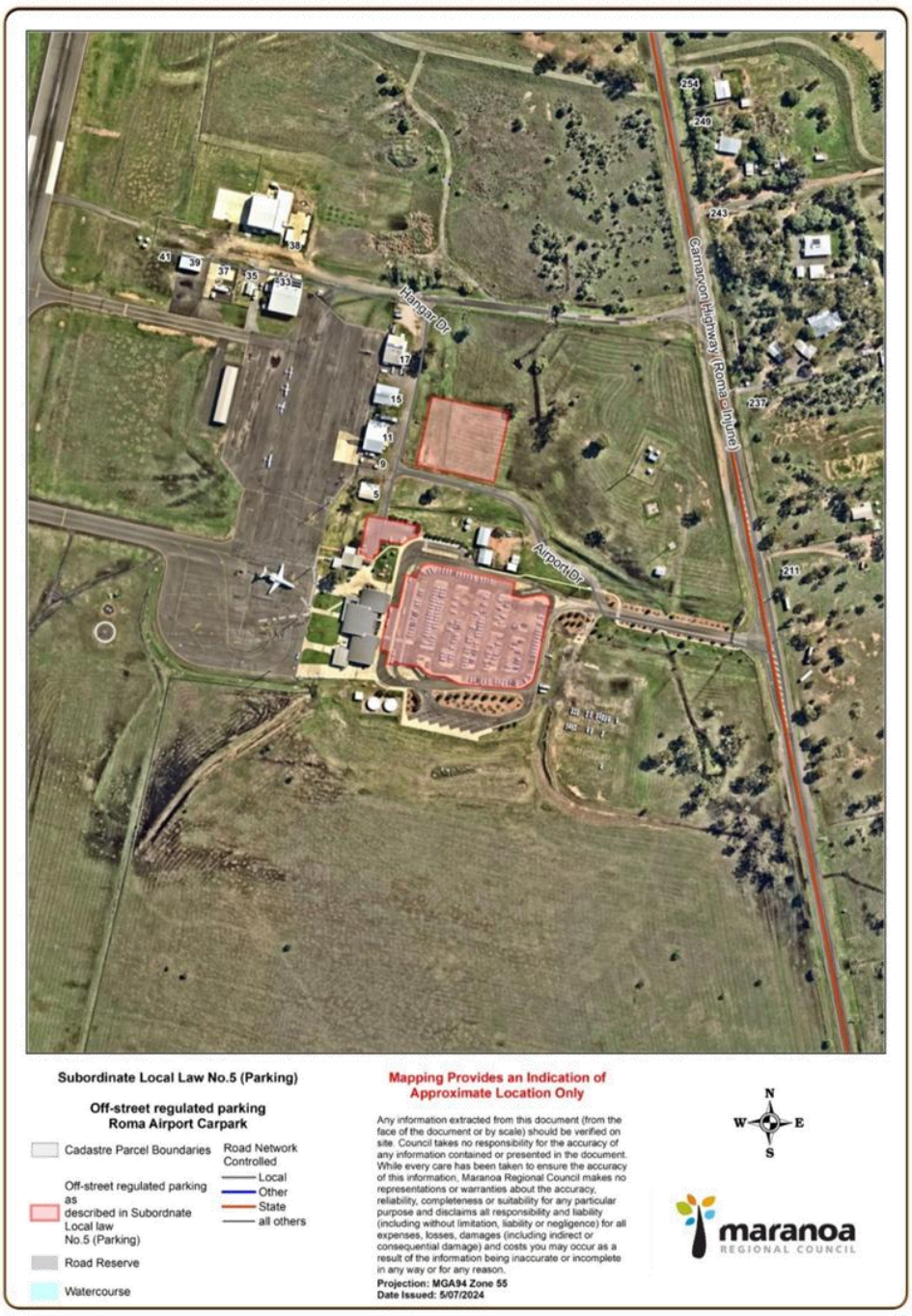


Part 4 Schedule 2 Declaration of off-street regulated parking areas




May St
Quinlan St
George St West
Hawthorne St
Bungil St
Arthur St
12
13
12-14
33-35
32-34
43
41
39
37
35
33
31
29
36-38
34-44
14-16
32
42
44
41-49
46
48
57A
50
57
52-54
55
53
51
49
56-58
58
56
54
17
19
18-20
21
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Community Hub & PCYC Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


33
34
35
36
38A
37
71
72
73
74
39
38
75
76
77
43
44
79
79A
78-84
81
Hawthorne St
46-48
Arthur St
83-85
27
Bowen St
50
87
86
88
52
90
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
QAS CBD South Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


Hangar Dr
Airport Dr
Carnarvon Highway (Roma - Injune)
41
39
37
35
33
38
17
15
11
9
5
234
240
243
237
211
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Roma Airport Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


McDowall St
Rogers Rd (S)
Mills St
Bowen St
Rogers Rd (N)
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Roma Big Rig Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


Beaumont Dr
Roslyn Dr
Wormwell Dr
44589
44306
Warrego Highway (A6)
Mile Rd
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Roma Saleyards Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL



Subordinate Local Law No.5 (Parking)

Off-street regulated parking
Roma West CBD Carpark

Cadastre Parcel Boundaries

Off-street regulated parking as described in Subordnate Local law No.5 (Parking)

Road Reserve

Watercourse

Road Network Controlled
- Local
- Other
- State
- all others

Mapping Provides an Indication of Approximate Location Only

Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.

Projection: MGA94 Zone 55
Date Issued: 5/07/2024

N W E S

maranoa REGIONAL COUNCIL

This and the preceding |## **(F12)**##| (|## **(F12)**##|) pages bearing my initials is a certified copy of *Parking (Amendment) Subordinate Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated the |## **(F12)**##| day of |## **(F12)**##|, |## **(F12)**##|.

.....

Chief Executive Officer

Attachment E

Consolidated Versions

DELIVERED AS PART OF SEPARATE PACK

Local Law No. 1 (Administration) 2011

Contents

Part 1 Preliminary 3

1 Short title 3
2 Purposes and how they are to be achieved 3
3 Definitions—the dictionary 3
4 Relationship with other laws 3

Part 2 Approvals for prescribed activities 3

5 Meaning of *prescribed activity* 3
6 Offence to undertake local law prescribed activity without approval 4
7 Approvals for prescribed activities to be obtained under this part 5
8 Form of application 5
9 Local government's discretion in granting approvals 6
10 Conditions of approval 7
11 Compliance with conditions of approval 8
12 Third party certification 8
13 Term of approval 8
14 Renewal of approval 9
15 Transfer of approval 10
16 Amending conditions at request of approval holder ..... 10~~10~~11
17 Grounds for amending, suspending or cancelling approval 11
18 Procedure for amending, suspending or cancelling approval ..... 11~~11~~12
19 Procedure for immediate suspension of approval 12

Part 3 Authorised persons 13

20 Appointment 13
21 Threatening etc an authorised person 13

Part 4 Review of decisions 13

22 Application for review 13
23 Review decision 14
24 Stay of operation of original decision 14

Part 5 Enforcement 14

25 Production of records 14
26 Compliance notice for contravention of local law or approval condition 15
27 Compliance notice authorised by local law 16

28 Power to remove and cost recovery 161617
29 Stop orders 17

Part 6 Legal proceedings 18

30 Defence of reasonable excuse 18
31 General defence for owners or occupiers of land 18
32 Joint and several liability 18
33 Rewards 18

Part 7 Miscellaneous 181819

34 Maintenance of good order at meetings 181819
35 Fees 19
36 Abandoned goods 19
37 Dealing with seized and impounded items 19

Part 8 Subordinate local laws 20

38 Subordinate local laws 20

Schedule 1 Dictionary 222223
Schedule 2 Prescribed activities 252526

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2011*.

2 Purposes and how they are to be achieved

(1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.

(2) The purposes are to be achieved by providing for—

(a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and

(b) authorised persons for enforcing local laws; and

(c) review of certain decisions made under local laws; and

(d) enforcement of local laws; and

(e) matters relating to legal proceedings; and

(f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws[1]

This local law—

(a) is in addition to, and does not derogate from, laws regulating land use planning and development assessment; and

(b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

(a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or

[1] This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

(b) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

(1) This section applies to a prescribed activity mentioned in—

(a) section 5(a); or

(b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.[2]

(2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

(a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or

(b) for a category 1 activity—50 penalty units; or

(c) for a category 2 activity—200 penalty units; or

(d) for a category 3 activity—500 penalty units.

(3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a 'permitted advertising device'). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government's area.

(4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

---

[2] For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval if the Local Government Act is not a local law, see the relevant Local Government Act that provides for the approval.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

(1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

Examples of a form approved by the local government—

A written form or an online application process.

(2) The application must be accompanied by—

(a) documents and materials required under a subordinate local law for this paragraph; and

(b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and

(c) the prescribed fee.

Example for paragraph (a)—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

Example for paragraph (b)—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

(3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(4) The notice under subsection (3) must state—

(a) the grounds on which the request is made; and

(b) an outline of the facts and circumstances forming the basis for the grounds; and

(c) a detailed description of the information requested; and

(d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.

(5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—

(a) the application lapses; and

(b) the local government must give the applicant written notice stating that—

(i) under this section the application lapses; and

(ii) the applicant may make a new application.

(6) However, the local government may extend the period for the applicant to provide the further information.

(7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

(1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—

(a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and

(b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and

(c) if the prescribed activity is the commercial use of a local government controlled area or road—that the grant of the approval is consistent with the objective of the local government ~~of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an~~ to limit any unfair commercial advantage which might otherwise exist over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies; and

(d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and

(e) the grant of the approval would be consistent with the purpose of any relevant local law; and

(f) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and

(g) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

(2) The local government may, by written notice to the applicant—

(a) grant the approval unconditionally; or

(b) grant the approval subject to conditions determined in accordance with section 10; or

(c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application 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.

- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.

(3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.

(4) The local government must give the applicant an information notice if the local government—

(a) refuses to grant the approval; or

(b) grants the approval subject to a non-standard condition.

(5) In this section—

non-standard condition means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

(1) An approval may be granted on conditions the local government considers appropriate.

(2) However, the conditions must—

(a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and

(b) be consistent with the purpose of any relevant local law; and

(c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and

(d) not conflict with the conditions of any other relevant approval issued under an Act; and

(e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.

(3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.

(4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—

(a) contravenes a noise standard; or

(b) causes an environmental nuisance.[3]

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of

[3] See *Environmental Protection Act 1994*, schedule 1, section 3(b).

the noise standard in the *Environmental Protection Act 1994*, section 440Y.

(5) In this section—

environmental nuisance see *Environmental Protection Act 1994*, section 15.

noise standard see *Environmental Protection Act 1994*, section 440K.

11 Compliance with conditions of approval

(1) A holder of an approval must ensure each condition of the approval is complied with.

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

(2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

(1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

(2) In this section—

third party certifier means—

(a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or

(b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

(a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or

(b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

(1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—

(a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or

(b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.

(2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

(3) The application under subsection (1) must be—

(a) made in a form approved by the local government; and

(b) accompanied by the prescribed fee.

(4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).

(6) The local government may, by written notice to the applicant—

(a) grant the application; or

(b) grant the application and amend the conditions of the approval; or

(c) refuse the application.

(7) In deciding under subsection (6), the local government may have regard to—

(a) the matters mentioned in section 9(1); and

(b) whether the conditions of the approval are being complied with by the applicant.

(8) The local government must give the applicant an information notice if the local government—

(a) refuses the application; or

(b) grants the application and amends the approval to include non-standard conditions.

(9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.

(10) If an approval holder applies to renew or extend the approval, the approval remains in force until—

(a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or

(b) if the application is refused and the applicant applies for a review of the

decision under part 4—the date the applicant is given notice of the review decision; or

(c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

(1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the ***proposed transferee***).[4]

(2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.

(3) The application under subsection (1) must be—

(a) made in a form approved by the local government; and

(b) accompanied by the prescribed fee.

(4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).

(6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).

(7) The local government may, by written notice to the approval holder and the proposed transferee—

(a) grant the application to transfer the approval; or

(b) refuse the application to transfer the approval.

(8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.

(9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.

(10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.

(11) The local government must give the approval holder and the proposed transferee an information notice if the local government—

(a) refuses the application; or

(b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

(1) An approval holder may apply to the local government to amend the conditions of the approval.

---

[4] See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

(2) The application must be written and state—

(a) the proposed amendment; and

(b) the reasons for it.

(3) The local government must consider and decide whether to grant or refuse the application.

(4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.

(5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.

(6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

(a) amendment, suspension or cancellation is necessary—

(i) for the protection of public health or safety; or

(ii) to prevent environmental harm; or

(iii) to prevent property damage or loss of amenity; or

(iv) to allow for works on roads or local government controlled areas; or

(v) to improve access to a road; or

(vi) to improve the efficiency of vehicle or pedestrian traffic.

(b) another approval required for the prescribed activity under an Act has been suspended or cancelled;

(c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;

(d) the approval holder has failed to comply with a condition of the approval;

(e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;

(f) the approval was granted because of a document or representation that was—

(i) false or misleading; or

(ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

(1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the ***proposed action***).

(2) Before taking the proposed action, the local government must give the approval

holder a written notice (the ***show cause notice***) stating—

(a) the proposed action; and

(b) the grounds for the proposed action; and

(c) an outline of the facts and circumstances that are the basis of the grounds; and

(d) if the proposed action is suspension of the approval, the proposed suspension period; and

(e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.

(3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.

(4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—

(a) if the proposed action was to amend the approval—amend the approval; or

(b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or

(c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.

(5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.

(6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.

(7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

(1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—

(a) an urgent and serious threat to public health or safety; or

(b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

(2) The suspension—

(a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and

(b) operates immediately the notices are given to the approval holder; and

(c) continues to operate until the earliest of the following happens—

(i) the local government cancels the suspension;

(ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;

(iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;

(iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment[5] must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person[6]

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

(1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an ***original decision***) may apply to the chief executive officer[7] for a review of the decision under this part.[8]

(2) The application (a ***review application***) must be made within 14 days of—

(a) if the person is given an information notice for the decision—the day the person is given the notice; or

(b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.

(3) However, the local government may, at any time, extend the time for making a review application.

(4) The review application must be in writing and be—

[5] See the Act, chapter 6, part 6, for the power to appoint authorised persons.

[6] See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

[7] See definition of ***chief executive officer*** in the Act, schedule 4.

[8] Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

(a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and

(b) supported by enough information to enable the local government to decide the application.

23 Review decision

(1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the ***review decision***) to—

(a) confirm the original decision; or

(b) amend the original decision; or

(c) substitute another decision for the original decision.

(2) The application must not be dealt with by—

(a) the person who made the original decision; or

(b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.

(3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the ***review notice***).

(4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.

(5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

(1) A review application does not stay the original decision that is the subject of the application.

(2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.

(3) The court may stay the original decision to secure the effectiveness of the review.

(4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

(1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.[9]

(2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.

---

[9] See the Act, section 132.

(3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

26 Compliance notice for contravention of local law or approval condition

(1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—

(a) a person—

(i) is contravening a local law or a condition of an approval; or

(ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and

(b) a matter relating to the contravention can be remedied; and

(c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
- If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.

(2) The authorised person may give[10] a written notice (a ***compliance notice***) to the person (the ***recipient***) requiring the person to remedy the contravention.[11]

(3) The compliance notice must state the following—

(a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and

(b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and

(c) the time by which the recipient must remedy the contravention; and

(d) that it is an offence to fail to comply with the compliance notice; and

(e) the maximum penalty for failing to comply with the compliance notice.

(4) The time under subsection (3)(c) must be reasonable having regard to—

(a) the action required to remedy the contravention; and

(b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and

(c) how long the recipient has been aware of the contravention.

(5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

---

[10] See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

[11] Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a ***remedial notice*** under the Act, section 138AA(2).

- The repetition of a specified action at stated intervals for a certain period.
- Stopping taking an action that is prohibited by a local law or condition of an approval.

(6) The compliance notice must include, or be accompanied by, an information notice.

(7) The recipient must comply with the compliance notice.[12]

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

27 Compliance notice authorised by local law

(1) This section applies if—

(a) a local law provides that an authorised person may give a compliance notice to a person;[13] and

(b) the authorised person gives[14] a compliance notice to the person (the ***recipient***).[15]

(2) The compliance notice must state the following—

(a) the provision of the local law that authorises the authorised person to give a compliance notice; and

(b) the specified action that the recipient must take to comply with the notice; and

(c) the time by which the recipient must comply with the notice; and

(d) that it is an offence to fail to comply with the notice; and

(e) the maximum penalty for failing to comply with the notice.

(3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.

(4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.

(5) The compliance notice must include, or be accompanied by, an information notice.

(6) The recipient must comply with the compliance notice.[16]

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

28 Power to remove and cost recovery

(1) This section applies where—

---

[12] See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

[13] For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2011*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

[14] See also footnote 10.

[15] See also footnote 11.

[16] See also footnote 12.

(a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or

(b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.

(2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—

(a) in the interests of public health or safety; or

(b) to prevent environmental harm, property damage or loss of amenity.

(3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—

(a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and

(b) the time for making an application for review of the compliance notice under section 22 has expired.

(4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).

(5) In this section—

thing does not include an animal.

29 Stop orders

(1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—

(a) an urgent and serious threat to public health or safety; or

(b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

(2) An order under this section—

(a) may be given orally or in writing; and

(b) operates until the earliest of the following happens—

(i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;

(ii) the local government immediately suspends the approval for the prescribed activity under section 19.

(3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.

(4) A person who receives an order under this section must comply with the order.

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

(5) This section does not affect the local government's powers under another law.

(6) In this section—

relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed

activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

(a) the act or omission occurred without the owner's or occupier's knowledge or consent; and

(b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

(1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers 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*.

33 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 resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

(1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

(2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.

(3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—20 penalty units.

(4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

(1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.

(2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

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

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

36 Abandoned goods

(1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.

(2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

(1) This section applies where—

(a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an ***impounded item***);[17] or

(b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an ***impounded item***) and the local law states that this section is to apply.

(2) However, this section does not apply to an impounded item that is an animal[18]

---

[17] See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

[18] See *Local Law No.2 (Animal Management) 2011*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

(3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).

(4) A person may reclaim the impounded item if—

(a) written application is made to the chief executive officer; and

(b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and

(c) the applicant pays the prescribed fee for the impounding of the item.

(5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—

(a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or

(b) by sale through—

(i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or

(ii) an agent of the local government; or

(iii) an enterprise owned by the local government; or

(c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.

(6) The proceeds of the sale or disposal of the impounded item must be applied—

(a) firstly, towards the costs of the sale or disposal; and

(b) secondly, towards the prescribed fee for impounding the impounded item; and

(c) thirdly, to the former owner of the impounded item.

(7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

(a) prescribed activities in respect of which the requirement for an approval does not apply;[19] and

(b) the categories of prescribed activities for the purposes of maximum penalties;[20]

(c) the documents and materials that must accompany an application for an

[19] See section 6(3).

[20] See section 6(4).

approval;[21] and

(d) additional criteria for the granting of approvals for prescribed activities;[22] and

(e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;[23] and

(f) application requirements for which a third party certifier's certificate may be accepted by the local government;[24] and

(g) the individuals or organisations that are declared as third party certifiers for particular application requirements;[25]

(h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;[26] and

(i) the term for which an approval for a prescribed activity remains in force;[27] and

(j) the further term for which an approval for a prescribed activity may be renewed or extended;[28] and

(k) categories of approvals that are non-transferable;[29] and

(l) complementary accommodation prescribed as appropriate for caravan parks;[30] and

(m) a State-controlled road to which this local law applies;[31] and

(n) public place activities prescribed as regulated activities on local government controlled areas and roads.[32]

---

[21] See section 8(2)(a).

[22] See section 9(1)(d).

[23] See section 10(3).

[24] See section 12(1).

[25] See section 12(2), definition of ***third party certifier,*** paragraph(a).

[26] See section 12(2), definition of ***third party certifier,*** paragraph(b).

[27] See section 13(a).

[28] See section 14(1)(a).

[29] See section 15(2).

[30] See schedule 1, definition of ***complementary accommodation***, paragraph (b).

[31] See schedule 1, definition of ***road***, subparagraph (b)(i).

[32] See schedule 2, part 2, definition of ***regulated activities on local government controlled areas and roads***, paragraph (c).

Schedule 1 Dictionary

Section 3

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4[33].

caravan see ~~*Residential Tenancies Act 1994*, section 3A~~ *Residential Tenancies and Rooming Accommodation Act 2008*, section 7.

complementary accommodation means—

(a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or

(b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

(a) section 26; or

(b) another local law that authorises the giving of a compliance notice.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*~~, section 13,~~ or the *Torres Strait Islander Land Act 1991*~~, section 12~~.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994,* section 14.

goods does not include animals.

human remains means the body or part of the body of a deceased person.

information notice, for a decision, means a written notice stating the following—

(a) the decision; and

(b) the reasons for the decision; and

(c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and

(d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

---

[33] See also section 20.

local government controlled area—

1 A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
- camping grounds or caravan parks on land owned or controlled by the local government
- local government swimming pools
- cemeteries
- Council Chambers and local government offices
- jetties.

2 A *local government controlled area* includes part of a local government controlled area.

3 A *local government controlled area* does not include a residential lot on DOGIT land.

network connection see the Act, section 35(2).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act[34].

property see *Acts Interpretation Act 1954,* section 36.

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

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

(a) a road as defined in the Act, section 59; and

(b) a State-controlled road—

(i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and

(ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

(a) dormitories or bedrooms;

(b) toilets;

(c) bathrooms, showers or other bathing facilities;

[34] See the Act, section 97.

(d) laundries;

(e) dining facilities;

(f) cooking facilities;

(g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

alteration or improvement to local government controlled areas and roads[35] means—

1 *Alteration or improvement to local government controlled areas and roads* means—

(a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or

(b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

2 *Alteration or improvement to local government controlled areas and roads* does

[35] Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

not include an alteration or improvement—

(a) that constitutes development under the Planning Act[36]; or

(b) for which a tree clearing permit is required ~~under the *Vegetation Management Act 1999*~~; or

(c) that involves a network connection; or

(d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas[37] ***and roads*** means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

(a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;

(b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;

(c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;

(d) using a road for a particular purpose if the use constitutes development under the Planning Act;

(e) operation of a temporary entertainment event;

(f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

(a) a structure for erection which is constituted as development under the Planning Act; or

(b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of a temporary or permanent sign, structure (or part of a building) or other devices used for advertising that are not regulated by the Planning Scheme and is ~~an advertisement or sign that is~~ visible from a road or other public place.[38]

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2011.*

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

---

[36] See the definition of ***Planning Act*** in the Act, schedule 4.

[37] See footnote 36.

[38] See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

operation of cane railways means the operation of a tramway or railway—

(a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999,* chapter 2, part 4[39]; and

(b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and

(c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

operation of cemeteries means to operate a place for disposing of human remains by—

(a) burial; or

(b) cremation; or

(c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

(a) members of the public or a section of the public; or

(b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or

(c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

operation of temporary entertainment events means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

(a) disturbance of human remains buried outside a cemetery; or

(b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or

(c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas[40] and roads means undertaking one of the following activities on a local government controlled area or road—

(a) driving or leading of animals to cross a road; or

(b) depositing of goods or materials; or

(c) holding of a public place activity prescribed under a subordinate local law for

---

[39] *Sugar Industry Act 1999,* chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

[40] See footnote 36.

this paragraph, excluding the operation of a temporary entertainment event.

Example for paragraph (c)— A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 1 (Administration) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

Local Law No. 2 (Animal Management) 2011

Contents

Part 1 Preliminary....4

1 Short title....4
2 Purpose and how it is to be achieved....4
3 Definitions—the dictionary....4
4 Relationship with other laws....4

Part 2 Keeping of animals....5

Division 1 Prohibition on keeping animals 5
5 Prohibition on keeping animals in prescribed circumstances....5
Division 2 Animals for which approval is required 5
6 Requirement for approval....5
Division 3 Animals for which desexing is required 6
7 Requirement to desex an animal....6
Division 3A Registration of cats 6
7A Registration obligation....7
78 What the owner of a cat must do....7
7C What registration form must state....7
7D Chief executive officer may ask for further information....7
7E Local government must give registration notice....8
7F Duration of registration....8
7G Amendment of registration....8
7H Renewal of registration....8
7I What owner of a cat must do about renewal of registration....8
7J Local government's obligations if owner complies....9
7K Obligations of owner of registered cat....9
7L Cat not registered at commencement of amending local law....10
Division 4 Minimum standards 10
8 Minimum standards for keeping animals....10
Division 5 Identification of registered dogs 10
9 Identification for dogs in certain circumstances....10

Part 3 Control of animals....10

Division 1 Animals in public places 10
10 Exclusion of animals....10
11 Dog off-leash areas....11

12 Control of animals in public places 11
13 Person in control of dog or prescribed animal to clean up faeces 12

Division 2 Restraint of animals 12

14 Duty to provide proper enclosure and prevent animal from wandering 12
15 Koala conservation requirements 13

Division 3 Aggressive behaviour by animals other than dogs 13

16 Limited application of division to dogs 13
17 Animals not to attack or cause fear to persons or animals 14
18 Defences for offence against s 17 14

Division 4 Dangerous animals other than dogs 15

19 Declaration of dangerous animal other than a dog 15
20 Power to require responsible person for declared dangerous animal to take specified action 15

Part 4 Seizure, impounding or destruction of animals 15

Division 1 Seizure of animals 15

21 Seizure of animals 16

Division 2 Destruction of animal without notice 16

22 Power to immediately destroy seized animal 17

Division 3 Return or impounding of animals 17

23 Immediate return of animal seized wandering at large 17
24 Impounding of seized animal 17
25 What is a notice of impounding 17
26 Dealing with animal seized and impounded for wandering at large 18
27 Dealing with animal seized and impounded for non-compliance with local law 18
28 Dealing with animal seized and impounded for attacking etc a person or another animal 19
29 Reclaiming an impounded animal 19

Division 4 Destruction of animal following notice 20

30 Destruction orders 20

Division 5 Disposal of impounded animals 21

31 Application of this division 21
32 Sale, disposal or destruction of animals 21

Division 6 Other impounding matters 22

33 Register of impounded animals 22
34 Access to impounded animal 23
35 Unlawful removal of seized or impounded animal 23

Part 5 Appeals against destruction orders 23

36 Who may appeal 24

37 Starting appeal....24
38 Stay of destruction order....24
39 Hearing procedures....24
40 Court's powers on appeal....24
41 Appeal to District Court....25

Part 6 Miscellaneous....25

42 Sale of animals....25
43 Subordinate local laws....25

Schedule Dictionary....27

Part 1 Preliminary

1 Short title

This ~~model~~ local law may be cited as *Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—

(a) balances community expectations with the rights of individuals; and

(b) protects the community against risks to health and safety; and

(c) prevents pollution and other environmental damage; and

(d) protects the amenity of the local community and environment.

(2) The purpose is to be achieved by providing for—

(a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and

(b) the registration of cats by imposing registration obligations on cat owners; and

(c) the prescription of minimum standards for keeping animals; and

(d) the proper control of animals in public places and koala conservation areas; and

(e) the management of dangerous or aggressive animals other than dogs;[1] and

(f) the seizure and destruction of animals in certain circumstances; and

(g) the establishment and administration of animal pounds.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws[2]

This local law is—

(a) in addition to, and does not derogate from—

(i) laws regulating the use or development of land; and

(ii) other laws about the keeping or control or welfare of animals; and

(b) to be read with *Local Law No. 1 (Administration) 2011*.

---

[1] The *Animal Management (Cats and Dogs) Act 2008* provides for the management of ***regulated dogs***, comprising declared dangerous dogs and, declared menacing dogs ~~and restricted dogs~~.

[2] This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances

(1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.

(2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—

(a) species;

(b) breed;

(c) sex;

(d) age;

(e) number;

~~(f) whether an animal is a restricted dog;[3]~~

~~(g)~~(f) the locality in which the animal would be kept;

~~(h)~~(g) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.[4]

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

(3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

6 Requirement for approval

(1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval[5] for keeping an animal or animals in prescribed circumstances.

~~[3] Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: "A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law."~~

[4] See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

[5] Keeping an animal for which an approval is required under this local law is a ***prescribed activity*** under schedule 2 of *Local Law No. 1 (Administration) 2011*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

(2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—

(a) species;

(b) breed;

(c) sex;

(d) age;

(e) number;

(f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;

(g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.[6]

(3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act[7].

~~(4) Under this section, the local government may not require an approval for keeping a restricted dog.~~[8]

Division 3 Animals for which desexing is required

7 Requirement to desex an animal

(1) The local government may, by subordinate local law, require an animal of a particular species or breed to be desexed.

(2) The subordinate local law may—

(a) specify that the requirement for desexing only applies once an animal reaches a certain age; and

(b) exempt animals under particular circumstances.

Example for paragraph (b)—

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing.

(3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

Maximum penalty for subsection (3)—20 penalty units.

Division 3A Registration of cats

---

[6] See note 4.

[7] See the definition of ***Planning Act*** in the Act, schedule 4.

~~[8] Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.~~

7A Registration obligation

(1) This section does not apply to-

(a) the operator of a pound or shelter; or

(b) the owner of a cat less than 12 weeks old.

(2) An owner of a cat must comply with section 7B to register the cat within 14 days after starting to keep the cat in the local government area unless the person has a reasonable excuse.

Maximum penalty-20 penalty units.

(3) A person who becomes an owner of a cat must comply with section 7B to register the cat in the local government area within 14 days unless the person has a reasonable excuse.

Maximum penalty- 20 penalty units.

(4) It is a defence to a prosecution for an offence against subsection (2) or (3) for the defendant to prove that the cat is of a class of cat prescribed under a subordinate local law.

7B What the owner of a cat must do

To register a cat with the local government, the owner of the cat must-

(a) give the local government a registration form for the cat that complies with section 7C; and

(b) ensure the registration form is accompanied by-

(i) the registration fee for the cat; and

(ii) if the cat is desexed - a signed veterinary surgeon's certificate stating, or other evidence, that it has been desexed; and

(c) if a written notice is given to the owner under section 7D - give the chief executive officer of the local government any other information or documents required to be given in the notice.

7C What registration form must state

A registration form for the registration of a cat must comply with requirements prescribed by subordinate local law.

7D Chief executive officer may ask for further information

(1) This section applies if the owner of a cat gives the local government□

(a) a registration form for the cat under section 7B; or

(b) a notice mentioned in section 7G(3) or 7I(2) for the cat.

(2) The chief executive officer may, by written notice, require the owner to give other information or documents reasonably required to register the cat.

(3) The notice must state a reasonable period of at least 14 days to comply with

the notice.

7E Local government must give registration notice

(1) This section applies if an owner of a cat complies with section 7B for the cat.

(2) The local government must give the owner of the cat notice (a ***registration notice)*** that the cat has been registered by the local government.

(3) The registration notice must-

(a) comply with the requirements prescribed by subordinate local law; and

(b) be accompanied by any registration device for the cat.

7F Duration of registration

The registration of a cat is for the period fixed by resolution of the local government for the cat.

7G Amendment of registration

(1) If any information stated on the registration notice for a cat changes (the ***changed information),*** the owner of the cat must, within 7 days, give the local government notice of the changed information.

Maximum penalty - 5 penalty units.

(2) The notice must be-

(a) in the prescribed form; and

(b) accompanied by other information or documents to enable the local government to record the changed information in the local government's register of cats.

(3) If the owner complies with subsection (2), the local government must, within 14 days after receiving the notice, ensure the owner is given a written notice for the cat that includes the changed information.

7H Renewal of registration

(1) This section applies if-

(a) a cat has been registered by the local government; and

(b) the local government has given the owner of the cat a registration notice.

(2) The local government must give the owner notice (a ***renewal notice)*** to renew the registration for the cat.

(3) The renewal notice must comply with requirements prescribed by subordinate local law.

7I What owner of a cat must do about renewal of registration

(1) This section applies to the owner of a cat whether or not the owner has been given a renewal notice.

(2) The owner of the cat must, before the period of registration for the cat expires-

(a) if the local government has given the owner a renewal notice and any information on the renewal notice has changed-give the local government written notice of the change (the ***changed information);*** and

(b) pay the registration fee for the cat; and

(c) if the cat is desexed - ensure the fee is accompanied by a signed veterinary surgeon's certificate stating, or other evidence, that it has been desexed.

Maximum penalty - 20 penalty units.

(3) However, if a registration form for the cat has already been accompanied by the certificate or evidence mentioned in subsection (2) for the cat, the certificate or evidence need not accompany the fee.

7J Local government's obligations if owner complies

(1) This section applies if the owner of a cat ~~given a renewal notice under section 7H~~ complies with section 7I for the cat.

(2) The local government may ask the owner for other information or documents in the way mentioned in section 7D.

(3) The owner must give the local government the information or documents required to be given in the notice mentioned in section 7D(2).

Maximum penalty- 5 penalty units.

(4) If the owner complies with subsection (3), the local government must-

(a) within 7 days after receiving the notice mentioned in section 7I(2), ensure the information is updated in the local government's register of cats in a way that reflects the change; and

(b) within 14 days after receiving the fee, any information or documents mentioned in section 7I(2) or other information or documents given under section 7D, give the owner any registration device for the cat.

7K Obligations of owner of registered cat

The owner of a registered cat must-

(a) ensure that the cat carries the registration device required by resolution of the local government; and

(b) ensure that the registration device is attached to a collar worn by the cat; and

(c) notify the local government within 14 days if the registration device for the cat has been lost or destroyed.

Maximum penalty for each of paragraphs (a), (b) and (c)-20 penalty units.

~~**7L Cat not registered at commencement of amending local law**~~

~~(1) This section applies to an owner of a cat other than the operator of a shelter or pound if the cat~~

~~(a) is not registered at the commencement of *Animal Management (Amendment) Local Law (No. 1) 2019;* or~~

~~(b) is less than 12 weeks old.~~

~~(2) The owner must ensure the cat is registered within 3 months after whichever is the later of~~

~~(a) the commencement of *Animal Management (Amendment) Local Law (No. 1) 2019;* and~~

~~(b) the cat is 12 weeks old.~~

Division 4 Minimum standards

8 Minimum standards for keeping animals

(1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.

(2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.[9]

Maximum penalty for subsection (2)—20 penalty units.

(3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 5 Identification of registered dogs

9 Identification for dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act* 2008 for a dog that is at a place other than the address stated in the registration notice for the dog.[10]

Part 3 Control of animals

Division 1 Animals in public places

10 Exclusion of animals

---

[9] See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for ~~declared dangerous dogs, declared menacing dogs and restricted~~regulated dogs.

[10] Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a ~~cat or~~ dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

(1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.

(2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).

Maximum penalty for subsection (2)—20 penalty units.

(3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.

(4) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

(a) the animals that are prohibited in the place; and

(b) in general terms, the provisions of subsection (2).

11 Dog off-leash areas

(1) The local government may, by subordinate local law, designate an area within a public place as an area where a dog is not required to be on a leash (a ***dog off-leash area***).

(2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.

(3) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area.

12 Control of animals in public places[11]

(1) The owner or responsible person for an animal must ensure that the animal is not in a public place—

(a) unless the animal is under the effective control of someone; and

(b) if the animal is a declared dangerous animal[12]—unless the animal is securely restrained to prevent it from—

(i) attacking a person or animal; or

(ii) acting in a way that causes fear to a person or animal; or

(iii) causing damage to property.

Maximum penalty for subsection (1)—20 penalty units.

(2) The owner or responsible person for a dog that is on heat must ensure that the animal is not in a public place.

---

[11] See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

[12] See the definition of ***declared dangerous animal*** in the schedule.

Maximum penalty for subsection (2)—20 penalty units.

(3) An animal is under the ***effective control*** of someone only if—

(a) a person who is physically able to control the animal—

(i) is holding it by an appropriate leash, halter or rein; or

(ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or

(iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or

(b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or

(c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or

(d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or

(e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

13 Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

14 Duty to provide proper enclosure and prevent animal from wandering

(1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.[13]

Maximum penalty for subsection (1)—20 penalty units.

(2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.

(3) The owner of the animal must ensure that it is not wandering at large.[14]

Maximum penalty for subsection (3)—20 penalty units.

---

[13] See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for ~~declared dangerous dogs, declared menacing dogs and restricted~~regulated dogs.

[14] See the definition of ***wandering at large*** in the schedule.

(4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—

(a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or

(b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

15 Koala conservation requirements

(1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.

(2) The prescribed requirements may relate to—

(a) the enclosure in which the dog must be kept between sunset and sunrise; or

(b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or

(c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or

(d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.

(3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

Maximum penalty for subsection (3)—20 penalty units.

(4) In this section—

koala area means—

(a) a koala habitat area; or

(b) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

(a) a conservation plan made under the *Nature Conservation Act 1992*; or

(b) a State planning instrument.

Division 3 Aggressive behaviour by animals other than dogs

16 Limited application of division to dogs[15]

[15] Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008,* sections 194 to 196.

(1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.

(2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

17 Animals not to attack or cause fear to persons or animals

(1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

Maximum penalty for subsection (1)—

(a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or

(b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or

(c) if the attack causes bodily harm to a person or another animal—50 penalty units; or

(d) otherwise—20 penalty units.

(2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

(a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or

(b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or

(c) if the attack causes bodily harm to a person or another animal—50 penalty units; or

(d) otherwise—20 penalty units.

(3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992.*[16]

18 Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 for the defendant

[16] See section 83 of that Act.

to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

(a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or

(b) to protect the responsible person, or a person accompanying the responsible person (the ***accompanying person***), or the responsible person's or accompanying person's property.

Division 4 Dangerous animals other than dogs[17]

19 Declaration of dangerous animal other than a dog

(1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.

(2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.

(3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice[18] about the declaration.

20 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,[19] require the responsible person for a declared dangerous animal to take specified action—

(a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and

(b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

---

[17] Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

[18] See the definition of ***information notice*** in *Local Law No.1 (Administration) 2011*, schedule 1.

[19] See *Local Law No.1 (Administration) 2011*, section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

21 Seizure of animals

(1) An authorised person may seize[20] an animal, other than a dog,[21] in the following circumstances—

(a) the animal is found wandering at large; or

(b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or

(c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or

(d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.[22]

(2) An authorised person may seize a dog in the following circumstances—

(a) the dog is found wandering at large; or

(b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or

(c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.

(3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—

(a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or

(b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.

(4) However, an authorised person is not obliged to accept the custody of an animal under this section.

(5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

---

[20] See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

[21] See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

[22] The *Transport Operations (Road Use Management) Act 1995,* section 100(13) provides: "If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government's area."

22 Power to immediately destroy seized animal

(1) This section applies where an authorised person has seized an animal, other than a regulated dog,[23] under this local law or another law.

(2) The authorised person may, without notice, immediately destroy the animal if—

(a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or

(b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or

(c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

23 Immediate return of animal seized wandering at large

(1) This section applies where—

(a) an animal has been seized under section 21(1)(a) or section 21(2)(a); and

(b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.

(2) The authorised person may return the animal to the owner or responsible person.

24 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

(a) the local government; or

(b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

25 What is a notice of impounding

(1) A ***notice of impounding*** means a written notice, given to the owner or responsible person for an animal, stating that—

(a) the animal has been impounded; and

(b) the animal may be reclaimed within the prescribed period provided that—

(i) the cost-recovery fee is paid; and

---

[23] See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated or prohibited dog.

(ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and

(iii) if the animal has been seized under section 21(1)(b) or 21(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and

(iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and

(v) no destruction order has been made for the animal.

(2) In this section—

relevant compliance notice means the compliance notice mentioned in section 21(1)(b) or 21(2)(b).

26 Dealing with animal seized and impounded for wandering at large

(1) Subsection (2) applies where—

(a) an authorised person has impounded an animal seized under section 21(1)(a) or 21(2)(a); and

(b) the animal was not a declared dangerous animal at the time of being seized; and

(c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.

(2) The authorised person must give the owner or responsible person a notice of impounding.

(3) Subsection (4) applies where—

(a) an authorised person has impounded a declared dangerous animal seized under section 21(1)(a); or

(b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

(4) The authorised person may—

(a) give the owner or responsible person for the animal a notice of impounding; or

(b) make a destruction order for the animal under section 30.

27 Dealing with animal seized and impounded for non-compliance with local law

(1) This section applies where an authorised person has impounded an animal seized under section 21(1)(b) or 21(2)(b).

(2) The authorised person may—

(a) give the owner or responsible person for the animal a notice of impounding; or

(b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

28 Dealing with animal seized and impounded for attacking etc a person or another animal

(1) This section applies where an authorised person has impounded an animal seized under section 21(1)(c).

(2) The authorised person may[24]—

(a) make a destruction order for the animal under section 30; or

(b) give the owner or responsible person a notice of impounding.

29 Reclaiming an impounded animal

(1) This section applies where—

(a) the owner or responsible person for an animal has been given a notice of impounding; or

(b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.

(2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—

(a) reclaims the animal within the prescribed period; and

(b) pays the cost-recovery fee; and

(c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— obtains the approval or registration; and

(d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.

(3) However, the animal may not be reclaimed by an owner or responsible person if—

(a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or

(b) a destruction order has been made for the animal.

(4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—

(a) if subsection (3)(a) applies—

---

[24] An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

(i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and

(ii) the owner or responsible person has satisfied subsection (2)(b)-(d);

(b) if subsection (3)(b) applies—

(i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and

(ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

Division 4 Destruction of animal following notice

30 Destruction orders

(1) An authorised person may make an order (a ***destruction order***) stating the person proposes to destroy an animal 14 days after the order is served.

(2) A destruction order may only be made in 1 or more of the following circumstances—

(a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or

(b) the animal is a declared dangerous animal and was found wandering at large; or

(c) the animal has been seized more than 3 times during a 12 month period.

(3) The destruction order must—

(a) be served on a person who owns, or is a responsible person for, the animal; and

(b) include or be accompanied by an information notice.[25]

(4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.

(5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—

(a) the review is finally decided or is otherwise ended; and

(b) the order is still in force; and

(c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.

(6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—

---

[25] See the definition of ***information notice*** in *Local Law No.1 (Administration) 2011*, schedule 1.~~See note 17.~~

(a) the appeal is finally decided or is otherwise ended; and

(b) the order is still in force.

(7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—

(a) a review relating to the decision to make the order is finally decided or is otherwise ended; and

(b) no application for an appeal has been made against the order; and

(c) the order is no longer in force; and

(d) the owner or responsible person has satisfied section 29(2)(b)-(d).

(8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—

(a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and

(b) the order is no longer in force; and

(c) the owner or responsible person has satisfied section 29(2)(b)-(d).

(9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2011.*

appeal means an appeal under part 45 of this local law.

Division 5 Disposal of impounded animals

31 Application of this division

This division applies where—

(a) an impounded animal has not been reclaimed within the prescribed period under section 29(2); or

(b) if section 29(3)(a) applies—the impounded animal has not been reclaimed within 3 days of an authorised person's advice to the owner or responsible person that the animal's continued retention as evidence is no longer required; or

(c) if section 29(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or

(d) an authorised person has seized an animal mentioned in section 27(2)(b); or

(e) the owner of an animal has surrendered the animal to the local government.

32 Sale, disposal or destruction of animals

(1) The local government may—

(a) offer the animal for sale by public auction or by tender; or

(b) if the animal is an animal mentioned in section 27(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—

(i) sell the animal by private agreement; or

(ii) dispose of the animal in some other way without destroying it; or

(iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

(2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
- An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
- A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.

(3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.

(4) An amount realised on sale of an impounded animal must be applied—

(a) first, towards the costs of the sale; and

(b) second, towards the cost-recovery fee for impounding; and

(c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.

(5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.

(6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

- The local government may give the animal away.
- The local government may have the animal destroyed.

Division 6 Other impounding matters

33 Register of impounded animals

(1) The local government must ensure that a proper record of impounded animals (the ***register of impounded animals***) is kept.

(2) The register of impounded animals must contain the following information about each impounded animal—

(a) the species, breed and sex of the animal; and

(b) the brand, colour, distinguishing markings and features of the animal; and

(c) if applicable—the registration number of the animal; and

(d) if known—the name and address of the responsible person; and

(e) the date and time of seizure and impounding; and

(f) the name of the authorised person who impounded the animal; and

(g) the reason for the impounding; and

(h) a note of any order made by an authorised person relating to the animal; and

(i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.

(3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

34 Access to impounded animal

(1) This section applies to an animal impounded under section 24.

(2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.

(3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.

(4) The inspection must be provided free of charge.

35 Unlawful removal of seized or impounded animal

(1) A person must not, without the authority of an authorised person, remove or attempt to remove—

(a) a seized animal from the custody or control of an authorised person; or

(b) an impounded animal from the local government's facility for keeping impounded animals.

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

(2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

36 Who may appeal

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

37 Starting appeal

(1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.

(2) An appeal is started by—

(a) filing notice of appeal with the Magistrates Court; and

(b) serving a copy of the notice of appeal on the local government; and

(c) complying with rules of court applicable to the appeal.

(3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.

(4) However, the court may, at any time, extend the time for filing the notice of appeal.

(5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

38 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

39 Hearing procedures

(1) In deciding an appeal, the Magistrates Court—

(a) has the same powers as the local government; and

(b) is not bound by the rules of evidence; and

(c) must comply with natural justice.

(2) An appeal is by way of rehearing, unaffected by the decision appealed against.

40 Court's powers on appeal

(1) In deciding an appeal, the Magistrates Court may—

(a) confirm the decision appealed against; or

(b) set aside the decision and substitute another decision; or

(c) set aside the decision and return the matter to the local government with directions the court considers appropriate.

(2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.

(3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

41 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Miscellaneous

42 Sale of animals

(1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.

(2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.

(3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

43 Subordinate local laws

The local government may make subordinate local laws about—

(a) the circumstances in which the keeping of animals is prohibited;[26] or

(b) the circumstances in which an approval is required for the keeping of animals;[27] or

(c) the circumstances in which desexing of an animal is required;[28] or

(d) the class of cat prescribed for the purposes of section 7A(4) (Registration obligation) of this local law;[29] or

(e) prescribed requirements for a registration form;[30] or

(f) prescribed requirements for a registration notice;[31] or

(g) prescribed requirements for a renewal notice;[32] or

---

[26] See section 5(1).

[27] See section 6(1).

[28] See section 7(1).

[29] See section 7A(4)

[30] See section 7C

[31] See section 7E(3)

[32] See section 7H(3)

(h) minimum standards for keeping animals generally or animals of a particular species or breed;[33] or

(i) the identification for dogs required under the *Animal Management (Cats and Dogs) Act 2008*;[34] or

(j) the exclusion of animals, or animals of a specified species, from public places;[35] or

(k) designated dog off-leash areas;[36] or

(l) animals whose faeces in public places must be removed and disposed of;[37] or

(m) proper enclosure requirements;[38] or

(n) requirements for keeping a dog within a koala area;[39] or

(o) designation of an area as a koala area;[40] or

(p) the criteria for declaring an animal other than a dog to be a declared dangerous animal;[41] or

(q) the organisation or local government that operates a place or care for impounded animals;[42] or

(r) the species, breed or class of animal that may be disposed of other than by public auction or tender;[43] or

(s) the office at which the register of impounded animals is available for public inspection;[44] or

(t) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;[45] or

(u) the exclusion of animals of a particular species from the application of this local law;[46] or

---

[33] See section 8(1).

[34] See section 9.

[35] See section 10(1).

[36] See section 11(1)

[37] See section 13.

[38] See section 14(2).

[39] See section 15(1).

[40] See section 15(4).

[41] See section 19(1).

[42] See section 24(b).

[43] See section 32(1)(b).

[44] See section 33(3).

[45] See section 42(1).

[46] See the definition of ***animal*** in the schedule.

(v) the declaration of a species of animal as a declared dangerous animal;[47] or

(w) the period within which an impounded animal may be reclaimed.[48]

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

attack, by an animal, means—

(a) aggressively rushing at or harassing any person or animal; or

(b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or

(c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

cat has the meaning given in section 11 of the *Animal Management (Cats and Dogs) Act 2008.*

changed information-

(a) for section 7G - see section 7G(l); and

(b) for section 7I - see section 7I(2).

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.[49]

declared dangerous animal means an animal—

(a) of a species declared by subordinate local law as a declared dangerous animal; or

(b) declared under section 19 of this local law to be a declared dangerous animal.

desex see *Animal Management (Cats and Dogs) Act 2008,* schedule 2.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 30(1).

dog off-leash area see section 11(1).

effective control see section 12(3).

notice of impounding see section 25(1).

owner, of an animal, means

(a) its registered owner;

(b) a person who owns the animal, in the sense of it being the person's personal property;

---

[47] See the definition of ***declared dangerous animal*** in the schedule.

[48] See the definition of ***prescribed period*** in the schedule.

[49] See the Act, section 97 for the power of a local government to fix a cost recovery fee.

(c) a person who usually keeps the animal, including through an agent, employee or anyone else;

(d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

pound, for part 2, division 3A, means premises maintained for the purpose of impounding animals.

prescribed form means the form approved by the local government.

prescribed period means the period, fixed by subordinate local law, of not less than—

(a) if the animal is registered with the local government—5 days; or

(b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered -

(a) for a cat, means that the information about the cat is recorded in the local government's register of cats;

(b) for a dog, means the dog is registered under the *Animal Management (Cats and Dogs) Act 2008.*

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

registration - see registered.

registration device means a device to assist in identifying an animal which is decided by resolution of the local government.

registration fee, for a cat, means the prescribed fee for the registration of the cat.

registration form, for the registration of a cat, means the prescribed form for registering cats in the local government area.

registration notice-

(a) for a cat - see section 7E(2);

(b) for a dog - see *Animal Management (Cats and Dogs) Act 2008,* schedule 2.

renewal notice - see section 7H(2).

responsible person, for an animal, means—

(a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or

(b) the parent or guardian of a minor who has immediate control or custody of the animal; or

(c) the person who occupies the place at which the animal is usually kept,

but does not include—

(a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or

(b) a person who has the control or custody of or keeps the animal as an employee of

someone else, if the person is acting within the scope of the employment.

~~***restricted dog*** see *Animal Management (Cats and Dogs) Act 2008*, section 63.~~

shelter, for part 2, division 3A, means premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned or unwanted animals.

State planning instrument see ~~*Sustainable Planning Act 2009*, schedule 3~~ Planning Act.

the Act means the *Local Government Act 2009*.

veterinary surgeon means a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1936*.

wandering at large means—

(a) the animal is not under the effective control of someone; and

(b) the animal is in either—

(i) a public place (including any local government controlled area, facility or road); or

(ii) a private place without the consent of the occupier.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 2 (Animal Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____

Chief Executive Officer

Local Law No. 3 (Community and Environmental Management) 2011

Contents

Part 1 Preliminary 4

1 Short title 4
2 Purpose and how it is to be achieved 4
3 Definitions—the dictionary 4
4 Relationship with other laws 4

Part 2 Declared local pests 4

Division 1 Application 4
5 Application of part 4

Division 2 Declaration of local pests 5
6 Declaration of local pests 5
7 Emergency declarations 5
8 Application of declaration 6

Division 3 Control of local pests 6
9 Power to search for declared local pests 6
10 Pest control notices 6

Division 4 Prohibition of sale and propagation 7
11 Prohibition on sale 7
12 Prohibition on introducing, propagating etc a declared local pest 7

Part 3 Overgrown and unsightly allotments 7
13 Overgrown allotments 7
14 Accumulation of objects and materials on allotments 8
14A Maintenance of premises 9

Part 4 Fires and fire hazards 9
15 Regulation of lighting and maintaining fires in the open 9
16 Fire hazards 10

Part 5 Community safety hazards 11
17 What is a community safety hazard 11
18 Power to enter property to inspect for community safety hazards 11
19 Removal or reduction of community safety hazards 11
20 Prescribed requirements 12

Part 6 Noise standards 12

21 Prescribed noise standards 12

Part 7 Miscellaneous 13

22 Subordinate local laws 13

Schedule Dictionary 14

Part 1 Preliminary 3

1 Short title 3

2 Purpose and how it is to be achieved 3

3 Definitions—the dictionary 3

4 Relationship with other laws 3

Part 2 Declared local pests 3

Division 1 Application 3

5 Application of part 3

Division 2 Declaration of local pests 4

6 Declaration of local pests 4

7 Emergency declarations 4

8 Application of declaration 5

Division 3 Control of local pests 5

9 Power to search for declared local pests 5

10 Pest control notices 5

Division 4 Prohibition of sale and propagation 6

11 Prohibition on sale 6

12 Prohibition on introducing, propagating etc a declared local pest 6

Part 3 Overgrown and unsightly allotments 6

13 Overgrown allotments 6

14 Accumulation of objects and materials on allotments 7

Part 4 Fires and fire hazards 8

15 Regulation of lighting and maintaining fires in the open 8

16 Fire hazards 8

Part 5 Community safety hazards 9

17 What is a community safety hazard 9

18 Power to enter property to inspect for community safety hazards 9

19 Removal or reduction of community safety hazards 10

20 Prescribed requirements 10

Part 6 Noise standards 11

21 Prescribed noise standards 11

Part 7 Miscellaneous 11

22 Subordinate local laws 11

Schedule Dictionary 13

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.

(2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—

(a) inadequate protection against animal and plant pests; and

(b) vegetation overgrowth; and

(c) visual pollution resulting from accumulation of objects and materials; and

(d) fires and fire hazards not regulated by State law; and

(e) community safety hazards; and

(f) noise that exceeds noise standards.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws[1]

This local law is—

(a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and

(b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

~~(1) This part does not apply to—~~

~~an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*[2] or the *Plant Protection Act 1989*[3]; or~~

[1] This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

~~[2] See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.~~

~~[3] See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.~~

~~noxious fisheries resources or diseased fisheries resources[4].~~

~~(2) In this section—~~

~~declared pest see the Land Protection (Pest and Stock Route Management) Act 2002, section 8 and the Plant Protection Act 1989, section 4.~~

~~diseased fisheries resources see the Fisheries Act 1994, section 94.~~

~~noxious fisheries resources see the Fisheries Act 1994, schedule.~~

Except as otherwise provided in this local law[5], this part does not apply to invasive biosecurity matter, as set out in section 48(1) of the *Biosecurity Act 2014*.

Division 2 Declaration of local pests

6 Declaration of local pests

(1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.

(2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government's area; and

(b) comes into force on the date of publication.

(4) In this section—

chief executive means the chief executive of the department in which the ~~*Land Protection (Pest and Stock Route Management) Act 2002*~~*Biosecurity Act 2014* is administered.

7 Emergency declarations

(1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.

(2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government's area; and

(b) comes into force on the date of publication; and

(c) comes to an end three months after the date of publication.

~~[4] See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.~~

[5] Section 48(4) of the *Biosecurity Act 2014*, allows a local government to provide for the management of invasive animals and plants, whether or not they are prohibited or restricted matter, in its local government area.

(4) In this section—

environmental harm see *Environmental Protection Act 1994*, section 14.

8 Application of declaration

A declaration may apply—

(a) to the whole of the local government's area or in a specified part or parts of the area; and

(b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

(1) This section applies if an authorised person wants to enter a property to search for declared local pests.

(2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—

(a) enter the property without the permission of the occupier; and

(b) take reasonable action to search for declared local pests.

(3) However, the authorised person—

(a) must, as soon as the authorised person enters the property, inform any occupier of the property—

(i) of the reason for entering the property; and

(ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and

(b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.

(4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

(1) An authorised person may, by compliance notice[6] given to the owner of land, require the owner[7] to take specified action to control declared local pests.

(2) The specified action may include action to—

---

[6] See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

[7] See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

(a) destroy declared local pests on the land; or

(b) minimise the risk of an outbreak of declared local pests on the land; or

(b) prevent or minimise seeding or reproduction by declared local pests; or

(c) contain infestation by declared local pests within a localised area; or

(d) reduce the density or extent of infestation by declared local pests; or

(e) remove harbour provided to declared local pests.

(3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

(a) sell or supply a declared local pest; or

(b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

(a) introduce, propagate or breed a declared local pest; or

(b) provide harbour to a declared local pest.

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

(2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

(1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—

(a) has seriously affected the visual amenity of the allotment; or

(b) is likely to attract or harbour reptiles.

(2) The authorised person may, by compliance notice[8] given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

(3) However, the notice cannot prevent a use of land authorised under the Planning Act[9] or the *Environmental Protection Act 1994*.

(4) If, on more than 1 occasion in a 12 month period, the responsible person for an allotment is given a compliance notice under subsection (2), the responsible person commits an offence.

Maximum penalty—50 penalty units.

(5) In this section—

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law[10] of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on allotments

(1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—

(a) have seriously affected the visual amenity of the allotment; or

(b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

(2) The authorised person may, by compliance notice[11] given to the responsible person for the allotment, require the responsible person to—

(a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or

(b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

---

[8] ~~See footnote~~ See *Local Law No.1 (Administration) 2011*, section 27~~5~~.

[9] See definition of *Planning Act* in the Act, schedule 4.

[10] For example, vegetation may be protected under the *Nature Conservation Act 1994,* the *Vegetation Management Act 1999,* the Planning Act, the *Queensland Heritage Act 1992,* the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

[11] ~~See footnote~~ See *Local Law No.1 (Administration) 2011*, section 27~~5~~.

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

(3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

(4) If, on more than 1 occasion in a 12 month period, the responsible person for an allotment is given a compliance notice under subsection (2), the responsible person commits an offence.

Maximum penalty—50 penalty units.

14A Maintenance of premises

(1) The responsible person for a building must ensure that the building is maintained so that the appearance of the building does not affect the visual amenity of the neighbourhood or detract from the appearance of other buildings.

(2) For subsection (1), a building may affect the visual amenity of the neighbourhood or detract from the appearance of other buildings if, for example the building:

(a) is dirty or in need of painting, maintenance or repairs;

(b) is boarded up;

(c) has fallen into a total state of disrepair and is a risk to other property or people; or

(d) has become dilapidated and is a risk to other property or people.

(3) If an authorised person forms the opinion that the responsible person of a building has failed to comply with Section 14A(1) above the authorised person may, by compliance notice[12] given to the responsible person for the premises, require the responsible person to take such steps as are reasonably necessary to comply with Section 14(1) above.

(4) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

Maximum penalty—50 penalty units.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

(1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire ~~and Rescue~~ Service*s *Act 1990*, unless the authorisation provides otherwise.[13]

---

[12] See *Local Law No.1 (Administration) 2011*, section 27.

[13] See the *Fire ~~and Rescue~~ Service*s *Act 1990,* section 145A~~63~~, regarding fires authorised by notification, section ~~65~~145C regarding fires authorised by permit and section ~~69~~145G, regarding notices requiring occupiers to take measures to reduce the risk of fire. ~~For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.~~

(2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
- the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
- the fire is lit and extinguished within a specified time.

(3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

(4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

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

(5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

(1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.

(2) The authorised person may, by compliance notice[14] given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.[15]

(3) In this section—

fire hazard means—

(a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or

(b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

---

[14] See *Local Law No.1 (Administration) 2011*, section 27~~See footnote 5.~~

[15] See also the *Fire ~~and Rescue~~ Service~~s~~ Act 1990*, section ~~69~~145G, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

Part 5 Community safety hazards

17 What is a community safety hazard

A ***community safety hazard*** is—

(a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or

(b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or

(c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a) —

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

(1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.

(2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—

(a) enter the property without the permission of the occupier; and

(b) take reasonable action to inspect the property for community safety hazards.

(3) However, the authorised person—

(a) must, as soon as the authorised person enters the property, inform any occupier of the property—

(i) of the reason for entering the property; and

(ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and

(b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.

(4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

(1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.

(2) The authorised person may, by compliance notice[16] given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—

(a) remove the hazard; or

(b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

(3) If, on more than 1 occasion in a 12 month period, the responsible person for an allotment is given a compliance notice under subsection (2), the responsible person commits an offence.

Maximum penalty—50 penalty units.

20 Prescribed requirements

(1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
- A requirement to install and maintain an electric fence in accordance with appropriate standards.

(2) A responsible person must comply with requirements prescribed under this section.

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

Part 6 Noise standards

21 Prescribed noise standards

(1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.[17]

(2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—

(a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);[18] and

---

[16] See *Local Law No.1 (Administration) 2011*, section 27~~See footnote 5.~~

[17] See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation ~~2008~~2019*, section ~~99~~131, devolves the administration and enforcement of noise standards to local governments. Section ~~109~~ 143 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

[18] See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

(b) stating the section, in the *Environmental Protection Act 1994,* chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.[19]

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

(a) declaring animals or plants of specified species to be local pests;[20] or

(b) lighting and maintaining of fires in the open;[21] or

(c) fire hazards;[22] or

(d) community safety hazards;[23] or

(e) prescribed requirements relating to community safety hazards;[24] or

(f) prescribed noise standards for the *Environmental Protection Act 1994*.[25]

---

[19] Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994,* chapter 8, part 3B, division 3.

[20] See section 6(1).

[21] See section 15(2).

[22] See section 16(3)(b).

[23] See section 17(c).

[24] See section 20(1).

[25] See section 21(2).

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

(a) the local government's intention to enter the property; and

(b) the reason for entering the property; and

(c) the days and times when the property is to be entered.

responsible person means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

the Act means the *Local Government Act 2009*.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 1 (Community and Environmental Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Contents

Part 1 Preliminary....2
1 Short title....2
2 Purpose and how it is to be achieved....2
3 Definitions—the dictionary....2
4 Relationship with other laws....2

Part 2 Use of local government controlled areas, facilities and roads....3
5 Prohibited and restricted activities....3
6 Motor vehicle access to local government controlled areas....3
7 Opening hours of local government controlled areas....4
8 Power of closure of local government controlled areas....5

Part 3 Matters affecting roads....6
9 Power to require owner of land adjoining road to fence land....6
10 Numbering of premises and allotments adjoining a road....6
11 Compliance notice about a road or footpath crossing....7

Part 4 Miscellaneous....7
12 Subordinate local laws....8

Schedule Dictionary....9

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.*

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to—

(a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and

(b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.

(2) The purpose is to be achieved by providing for—

(a) the regulation of access to local government controlled areas; and

(b) the prohibition or restriction of particular activities on local government controlled areas or roads; and

(c) miscellaneous matters affecting roads.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws[1]

This local law is—

(a) in addition to and does not derogate from laws[2] regulating the use of trust land and roads; and

(b) to be read with *Local Law No. 1 (Administration) 2011.*

[1] This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

[2] Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation* ~~*2009*~~ *2020,* ~~and~~ the ~~*Land Protection (Pest and Stock Route Management) Act 2002*~~ *Stock Route Management Act 2002 and the Biosecurity Act 2014*.

Part 2 Use of local government controlled areas, facilities and roads[3]

5 Prohibited and restricted activities

(1) The local government may, ~~under a~~by subordinate local law, declare an activity to be—

(a) prohibited in a local government controlled area or road (a ***prohibited activity***); or

(b) restricted in a local government controlled area or road (a ***restricted activity***).

Example for paragraph (a)—

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

Example for paragraph (b)-

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

(2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.

(3) In this section—

reasonable steps may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

(a) if the declaration relates to the whole area—the restricted activities for the area; and

(b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and

(c) in general terms, the provisions of subsection (4).

(4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penalty units

6 Motor vehicle access to local government controlled areas

(1) A ***motor vehicle access area*** is an area within a local government controlled area that is—

[3] *Local Law No. 1 (Administration) 2011* deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

(a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or

(b) declared under a subordinate local law for this paragraph as a motor vehicle access area.

(2) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity[4] to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.

(3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a ***prohibited vehicle***) as prohibited in a specified motor vehicle access area.

(4) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity[5] to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.

(5) However, subsections (2) and (4) do not apply for an emergency vehicle.

(6) The local government must take reasonable steps to provide notice to members of the public regarding—

(a) declarations of motor vehicle access areas under subsection (1)(b); and

(b) declarations of prohibited vehicles under subsection (3).

(7) In this section—

emergency vehicle includes the following—

(a) an ambulance;

(b) a fire-engine;

(c) a police vehicle;

(d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

reasonable steps include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—

(a) a description of the declared motor vehicle access area; and

(b) a description of prohibited vehicles for the area; and

(c) in general terms, the provisions of subsections (2) and (4).

7 Opening hours of local government controlled areas

(1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the ***opening hours***).

(2) A person must not enter or remain in a local government controlled area outside the

---

[4] *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

[5] See footnote 3.

opening hours unless the person is authorised to do so by the chief executive officer[6].

Maximum penalty for subsection (2)—20 penalty units.

(3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

8 Power of closure of local government controlled areas

(1) The local government may, by resolution, temporarily close a local government controlled area to public access—

(a) to carry out construction, maintenance, repair or restoration work; or

(b) to protect the health and safety of a person or the security of a person's property; or

(c) because of a fire or other natural disaster; or

(d) to conserve or protect the cultural or natural resources of the area or native wildlife.

(2) A resolution under subsection (1)—

(a) must state a period, not greater than 6 months, during which the area will be closed; and

(b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.

(3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—

(a) the conservation of the cultural or natural resources of the area, including, for example—

(i) to protect significant cultural or natural resources; or

(ii) to enable the restoration or rehabilitation of the area; or

(iii) to protect a breeding area for native wildlife; or

(iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or

(v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;

(b) protection of the health and safety of members of the public;

(c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;

(d) protection of the amenity of an area adjacent to the area;

(e) the orderly or proper management of the area.

(4) If the local government closes a local government controlled area under subsections

[6] See definition of ***chief executive officer*** in the *Act*, schedule 4.

(1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example—

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

(5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

(6) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

Part 3 Matters affecting roads

9 Power to require owner of land adjoining road to fence land

(1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—

(a) animals escaping from the land onto the road; or

(b) interference with the safe movement of traffic or the safe use of the road.

(2) The local government may, by giving a compliance notice[7] to the owner—

(a) if the land is not currently fenced—require the owner to fence the land; or

(b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.

(3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.

(4) In this section—

animal does not include a native animal, feral animal or pest animal.

feral animal see *Animal Care and Protection Act 2001*, section 42.

pest animal see *Animal Care and Protection Act 2001*, section 42.

10 Numbering of premises and allotments adjoining a road[8]

(1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this

[7] See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices.
[8] See the Act, section 60, regarding control of roads by a local government.

section.

Maximum penalty for subsection (1)—10 penalty units.

(2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

11 Compliance notice about a road or footpath crossing

(1) The local government may give a compliance notice to a person who is the owner or occupier of land adjoining or adjacent to a road to do 1 or more of the following—

(a) perform work on the land or the road;

(b) construct a vehicle crossing to provide vehicular access between the land and the road to a standard specified by the local government in the compliance notice;

(c) maintain or repair a vehicle crossing which provides vehicular access between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing—

(i) is not effective for its intended purpose; or

(ii) is causing a nuisance or poses a risk of a nuisance; or

(iii) constitutes an actual or potential safety hazard;

(d) alter a vehicle crossing, or construct a new or modified vehicle crossing between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing is no longer adequate having regard to—

(i) the volume or nature of traffic using the vehicle crossing; or

(ii) the manner in which the vehicle crossing is used by traffic; or

(iii) changes in the use of the land to which the vehicle crossing provides access; or

(iv) changes in the usual or expected standard of vehicle crossing provision in the relevant locality.

(2) However, a compliance notice may only be given under subsection (1) if the work to be carried out is required as a direct result of the intentional act or negligence of the person and, in the reasonable opinion of an authorised person, the work should be performed to—

(a) protect public health, safety or amenity; or

(b) prevent environmental harm or environmental nuisance; or

(c) prevent interference with the safe movement of traffic or the safe use of a road.

Part 4 Miscellaneous

12 Subordinate local laws

The local government may make subordinate local laws about—

(a) the declaration of prohibited activities or restricted activities;[9] or

(b) the declaration of motor vehicle access areas;[10] or

(c) the declaration of prohibited vehicles;[11] or

(d) the opening hours for a local government controlled area;[12] or

(e) closing a local government controlled area to public access;[13] or

(f) minimum standards for fences on land adjoining a road.[14]

[9] See section 5(1).

[10] See section 6(1).

[11] See section 6(3).

[12] See section 7(1).

[13] See section 8(3).

[14] See section 9(3).

~~192899-1~~

Schedule Dictionary

Section 3

environmental nuisance see *Environmental Protection Act 1994*, schedule 4.

land see *Local Government Act 2009*, schedule 4.

local government controlled area see *Local Law No.1 (Administration) 2011*, schedule 1.

occupier see *Local Government Act 2009*, schedule 4.

owner see *Local Government Act 2009*, schedule 4.

road see *Local Law No.1 (Administration) 2011*, schedule 1.

vehicle crossing means facilities provided for the purpose of vehicles making entry or exit at, or substantially at, right angles between a road and land adjoining or adjacent to the road and may include an invert, pipe or driveway at, or adjacent to, the boundary of the land.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

~~192899-1~~

Local Law No. 5 (Parking) 2011

Contents

Part 1 Preliminary 2

1 Short title ... 2
2 Purpose and how it is to be achieved ... 2
3 Definitions—the dictionary ... 2
4 Relationship with other laws ... 2

Part 2 Declaration of parking areas for the TORUM Act 2

5 Declaration of traffic areas ... 2
6 Declaration of off-street regulated parking areas ... 3

Part 3 Parking contrary to parking restriction 3

7 Parking permits ... 3
8 Commercial vehicle identification labels ... 3

Part 4 Minor traffic offence infringement notice penalties 4

9 Minor traffic offence infringement notice penalties ... 4

Part 5 Miscellaneous 4

10 Subordinate local laws ... 4

Schedule Dictionary 5

Part 1 Preliminary

1 Short title

This ~~model~~ local law may be cited as *Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.

(2) The purpose is achieved by providing for—

(a) the establishment of traffic areas and off-street regulated parking areas; and

(b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and

(c) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws[1]

This local law is—

(a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6[2]; and

(b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

(1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.[3] [4]

(2) The subordinate local law must define the boundaries of the traffic area.

---

[1] This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

[2] A local government cannot regulate parking on a ~~State-controlled~~declared road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

[3] See the TORUM Act, sections 102(3)(a) and 102(2)(b).

[4] The TORUM Act, section 69(4), provides: "A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D."

6 Declaration of off-street regulated parking areas

(1) The local government may, by subordinate local law, declare an area of land controlled[5] by the local government, including structures on the land, as an off-street regulated parking area.[6]

(2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits[7]

(1) The local government may issue a parking permit.[8]

(2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).

(3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—

(a) a parking permit for people with disabilities;[9] or

(b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels[10]

(1) The local government may issue a commercial vehicle identification label.[11]

(2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.[12]

(3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.[13]

---

[5] See the TORUM Act, section 104~~.(2).~~

[6] See the TORUM Act, sections 104(1)(b) and 101(1)(c).

[7] See the TORUM Act, section 103(4).

[8] *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a ***prescribed activity*** includes "an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval." Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a parking permit must be obtained under that part.

[9] Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

[10] See the TORUM Act, section 103(5).

[11] *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a ***prescribed activity*** includes "an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval." Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

[12] The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, ***commercial vehicle***.

[13] See also *Transport Operations (Road Use Management-Road Rules) Regulation* ~~1999~~*2009*, section 179, relating to drivers who are permitted to stop in a loading zone.

Part 4 Minor traffic offence infringement notice penalties

9 Minor traffic offence infringement notice penalties

(1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.[14]

(2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

(a) the declaration of traffic areas;[15] or

(b) the declaration of off-street regulated parking areas;[16] or

(c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;[17] or

(d) vehicles that may be issued with a commercial vehicle identification label;[18] or

(e) infringement notice penalty amounts that apply for minor traffic offences.[19]

[14] See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.
[15] See section 5(1).
[16] See section 6.
[17] See section 7(2).
[18] See section 8(2).
[19] See section 9(1).

Schedule Dictionary

Section 3

commercial vehicle identification label means a label of the type ~~depicted in~~provided for by the Manual of Uniform Traffic Control Devices ~~as a commercial vehicle identification label~~or the applicable Australian Standard as may be from time to time.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 5 (Parking) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

Local Law No. 6 (Operation of Saleyards) 2011

Contents

Part 1 Preliminary 1

1 Short title 1
2 Purpose 1
3 Definitions—the dictionary 1
4 Relationship with other law 1

Part 2 Stock handling 1

5 Times for reception 1
6 Identification of delivered stock 1
7 Reception of stock 2
8 Care and control of stock 2
9 Removal of stock 3
10 Repair of damage 4

Part 3 Approval for use of saleyard 4

11 Approval for use of the saleyard 4

Part 4 Stock sales 4

12 Times for sale 4
13 Conditions for sale 5
14 Priority of sale for auctioneers 5
15 Other controls on sale procedure 6
16 Sale charges 7

Part 5 Other management provisions 7

17 Purposes other than sales 7
18 Paddock rental 9
19 Ticket selling etc 9
20 Diseased and injured animals 9
21 Control of dogs 10
22 Branding or marking 10
23 Right of entry to saleyard and compliance with saleyard site rules 10
24 Motor vehicles and temporary parking restrictions 11
25 Damage to property 11
26 General offences 12
27 Limitation of liability 12
28 Removal of persons from saleyard 12

29 Exclusion from saleyard 13
30 Power to remove or reduce danger 13
31 Seizure and detention of dangerous objects 13

Part 6 Subordinate local laws 13
32 Subordinate local laws 13
Schedule Dictionary 14
Part 1 Preliminary 1
1 Short title 1
2 Purpose 1
3 Definitions—the dictionary 1
4 Relationship with other law 1
Part 2 Stock handling 1
5 Times for reception 1
6 Identification of delivered stock 1
7 Reception of stock 2
8 Care and control of stock 2
9 Removal of stock 3
10 Repair of damage 4
Part 3 Approval for use of saleyard 4
11 Approval for use of the saleyard 4
Part 4 Stock sales 4
12 Times for sale 4
13 Conditions for sale 5
14 Priority of sale for auctioneers 5
15 Other controls on sale procedure 6
16 Sale charges 6
Part 5 Other management provisions 7
17 Purposes other than sales 7
18 Dipping facilities 8
19 Paddock rental 8
20 Ticket selling etc 9
21 Diseased and injured animals 9
22 Control of dogs 10
23 Branding or marking 10
24 Right of entry to saleyard 10
25 Motor vehicles and temporary parking restrictions 11
26 Damage to property 11

27 General offences 11
28 Limitation of liability 12
29 Removal of persons from saleyard 12
30 Exclusion from saleyard 12
31 Power to remove or reduce danger 13
32 Seizure and detention of dangerous objects 13

Part 6 Subordinate local laws 13
33 Subordinate local laws 13
Schedule Dictionary 14

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 6 (Operation of Saleyards) 2011*.

2 Purpose

The purpose of this local law is to provide for the orderly and proper conduct of business activities at the sale yards operated by the local government.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other law

This local law is—

(a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and

(b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Stock handling

5 Times for reception

(1) The local government must decide the days and times during which stock may be delivered to the saleyard.

(2) The local government may refuse to permit stock to be delivered to the saleyard at any other time.

6 Identification of delivered stock

(1) A person delivering stock to the saleyard must[1]—

prior to unloading the stock, provide the manager with a written statement in the prescribed form containing details of—

(i) the owner of the stock; and

(ii) the number of stock for sale or consignment, as the case requires; and

(iii) the name of—

(A) the auctioneer who is to sell the stock; or

(B) the agent consigning the stock, and

~~(b) ensure that the auctioneer who is to sell the stock, or the agent who is consigning the stock, is present at the saleyard to take delivery of the stock.~~

(2) A person delivering stock to the saleyard must ensure that the requirement of

[1] ~~See also section 22G of the *Stock Act 1915*.~~

subsection (1) are complied with.

Maximum penalty — 50 penalty units.

7 Reception of stock

(1) If section 6 is complied with, a person may proceed to deliver stock when directed by the manager (but not otherwise).

(2) When delivering stock, a person must—

(a) unload only at a ramp provided for stock delivery, unless otherwise directed by the manager; and

(b) where more than 1 person is waiting to deliver stock, as and when directed by the manager—

(i) take up a position; and

(ii) drive to the delivery ramp or other delivery point; and

(iii) unload the stock immediately, and complete unloading without delay; and

(iv) remove the delivery vehicle from the delivery ramp or other delivery point, immediately after the unloading is complete.

Maximum penalty for each of paragraphs (a) and (b) – 50 penalty units.

(3) ~~An auctioneer or agent~~ A person permitted by the local government to take ~~taking~~ delivery of stock must —

(a) place the stock in pens or yards as directed by the manager; and

(b) record details of the stock received in the prescribed form and provide a copy of the form to the manager.

Maximum penalty for each of paragraphs (a) and (b) — 50 penalty units.

8 Care and control of stock[2]

When stock are delivered to the saleyard—

(a) the stock are deemed to be in the possession, and under the control, of the auctioneer or agent who ~~has taken delivery of the stock,~~ the stock were consigned to, and are not in the possession, or under the control, of the local government; and

(b) the auctioneer or agent must comply with all reasonable directions of the

---

[2] ~~Refer also to the Animal Care and Protection *Act 2001*, which relevantly~~ —Refer also to the animal care and protection legislation

~~Promotes the responsible care and use of animals; and~~

~~Provides for standards for the care and use of animals; and~~

~~Requires compliance with codes of practice; and~~

~~Imposes a duty or care on persons in charge of animals.~~

~~The Act provides that compliance with a requirement of a code of practice which has been adopted by regulation under the Act is–~~

~~If the code is a compulsory code of practice — compulsory; or~~

~~If the code is a voluntary code of practice — promoted or voluntary.~~

~~A relevant document made by regulation as a voluntary code of practice is 'Model code of practice for the welfare of animals — Animals at saleyards', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 31.~~

manager in relation to reception, yarding and other dealings with the stock; and

(c) if the stock are kept at the saleyard for more than 24 hours — the auctioneer or agent must provide the stock with adequate food and general care in accordance with the reasonable directions of the manager.

Maximum penalty for each of paragraphs (b) and (c) — 50 penalty units.

9 Removal of stock

(1) Unless otherwise approved by the local government, stock must be removed from the saleyard before 11.00am on the day following the date of the sale for which the stock were delivered.

Maximum penalty — 50 penalty units.

(2) The person who took delivery of the stock and the owner of the stock are jointly and severally responsible for compliance with subsection (1).

(3) The local government may approve of stock remaining at the saleyard after the time specified in subsection (1) for the purpose of —

(a) dipping; or

(b) agistment; or

(c) any other purpose approved by the local government in a particular case.

(4) Subsection (1) does not apply to stock if —

(a) the local government's approval for the stock to remain is granted under subsection (3); and

(b) the prescribed fees in respect of the approved purpose are paid to the manager before the time specified in subsection (1).

(5) To avoid doubt, stock which remain at the saleyard under this section remain in the possession, and under the control, of the person referred to in section 8(a).

(6) The person with possession and control of stock which remain at the saleyard must—

(a) comply with all reasonable directions of the manager in relation to the yarding, management and other dealings with the stock; and

(b) provide the stock with adequate food and general care in accordance with the reasonable directions of the manager.

Maximum penalty for each of paragraphs (a) and (b) — 50 penalty units.

(7) If a person is convicted of an offence against this section, the court may, in addition to any penalty, order the defendant to pay to the local government the costs (including labour and other overhead costs) incurred by the local government in feeding stock or taking any other reasonably necessary action in respect of the stock consequent upon the defendant's contravention.

(8) If there has been a contravention of this section but —

(a) no person is prosecuted for the contravention; or

(b) a person is prosecuted but the court does not make an order under subsection (7), the local government may recover the costs (including labour and other overhead costs) incurred by the local government in feeding stock or taking

any other reasonably necessary action in respect of the stock consequent upon the contravention, as a debt payable to the local government by the person who committed the contravention.

10 Repair of damage

(1) If any stock breaks, damages or otherwise injures the saleyard or any structure, fixture, fitting, equipment or other property of the local government at the saleyard, the person with possession and control of the stock, and the owner of the stock, must pay to the local government, ~~on demand~~ if demand is made, the costs (including labour and other overhead costs incurred by the local government) of repairs or replacement required to be carried out or made to rectify the breakage, damage or injury.

(2) The liability under subsection (1) is joint and several in respect of each person referred to in the subsection.

(3) If a person with possession and control of stock at the saleyard or the owner of stock at the saleyard becomes aware of the occurrence of a breakage, damage or injury referred to in subsection (1), the person or owner, as the case may be, must immediately give the manager details of the breakage, damage or injury.

Maximum penalty — 10 penalty units.

(4) Repairs or replacement required to be carried out or made to rectify the breakage, damage or injury must be carried out by the local government.

(5) Payment under subsection (1) must be made within 14 days after the date on which the local government gives the person liable to pay a written statement of the cost of the repairs or replacement.

Maximum penalty for subsection (5) — 10 penalty units.

Part 3 Approval for use of saleyard

11 Approval for use of the saleyard

(1) A person must not use the saleyard for a prescribed activity unless the person holds a current approval from the local government.

(2) For the purposes of subsection (1), a person uses the saleyard for a prescribed activity if the person —

(a) sells or offers to sell stock by auction or otherwise at the saleyard; or

(b) consigns stock from the saleyard.

(3) For the purposes of *Local Law No. 1 (Administration) 2011*, section 5(b), each activity identified in subsection (2) is a prescribed activity.

Part 4 Stock sales

12 Times for sale

(1) The local government may, by subordinate local law, prescribe conditions

applicable to the sale of stock at the saleyard, including conditions that must be imposed and conditions that will ordinarily be imposed on the sale of stock at the saleyard.

(2) Without limiting subsection (1), the prescribed conditions may set out the method, order, times and other relevant matters relating to the sale of stock or a specified type of stock at the saleyard.

(3) A person selling the stock at the saleyard must comply with every condition prescribed under subsection (1).

Maximum penalty for subsection (3) — 100 penalty units.

13 Conditions for sale

(1) The local government may, by subordinate local law, prescribed conditions applicable to the sale of stock at the saleyard, including conditions that must be imposed and conditions that will ordinarily be imposed on the sale of stock at the saleyard.

(2) Without limiting subsection (1), the prescribed conditions may set out the method, order, times and other relevant matters relating to the sale of stock or a specified type of stock at the saleyard.

(3) A person selling stock at the saleyard must comply with every condition prescribed under subsection (1).

Maximum penalty for subsection (3) — 50 penalty units.

14 Priority of sale for auctioneers

(1) Where more than 1 auctioneer proposes to sell stock on a regular sale day, unless the local government acts under subsection (7), all the auctioneers must fix their order of priority of sale by drawing lots —

(a) under the supervision of the manager; and

(b) at a time and place as directed by the manager.

(2) If an auctioneer is absent from the draw, or refuses to draw, the manager may draw for the auctioneer.

(3) Upon the drawing of lots as provided in subsection (1), the local government may establish a roster of auctioneers based on the results of the drawing, and the future order of settling on regular sale days by the auctioneers shall be accordance with the roster.

~~(4) If an auctioneer has first priority of sale on a regular sale day, as provided in the roster, the auctioneer shall be given last priority of sale in the next sale on a regular sale day.~~

~~(5)~~(4) Each auctioneer shall, in turn, be given first priority of sale as provided in the roster and shall not be given first priority on two consequent regular sale days.

~~(6)~~(5) The roster established under subsection (3) shall remain in operation until a further drawing of lots is required by the local government.

~~(7)~~(6) Despite subsection (1), the local government may, for any regular sale day, fix the order of priority of sale and advise the auctioneers of the order on the sale day.

~~(8)~~(7) If stock are being sold by 2 or more persons in conjunction—

(a) only 1 auctioneer may be nominated to sell the stock; and

(b) the identify of the nominated auctioneer must be declared before the drawing of lots.

~~(9)~~(8) To avoid doubt, if the local government fixes different times for the selling of different classes of stock—

(a) stock of a given class may be sold only at the times fixed for the class; and

(b) the order of priority determined under the section applies separately to the sales for each class of stock.

~~(10)~~(9) An auctioneer not attending within 2 minutes of the time allocated to the auctioneer on the roster must forfeit the auctioneer's position of sale, and be placed at the end of the roster.

15 Other controls on sale procedure

(1) The local government may, by subordinate local law, fix—

(a) the maximum time allowed to each auctioneer for selling stock; and

(b) the maximum time allowed for preliminary remarks by each auctioneer opening a sale of stock; and

(c) the maximum time allowed for the sale of each individual lot or pen of stock by each auctioneer.

(2) If the local government has acted under subsection (1), an auctioneer who has not completed a sale of stock of a particular class within the maximum time fixed by the local government—

(a) must withdraw the remainder of the auctioneer's stock of the particular class until other auctioneers have offered their stock of the class; and

(b) may offer the remainder after the other auctioneers have offered their stock of the lass (or reached their maximum time allowed) if there is any time remaining of the time allocated by the local government for sale of stock of the class.

(3) If the auctioneer passes in stock of a particular class on a sale day, the stock must not be re-offered on the sale day unless the manager gives specific approval in that regard after all other auctioneers have—

(a) offered their stock of the class for sale; or

(b) been allowed the maximum time for the sale of stock of the class.

(4) Where there is more than 1 auctioneer who wishes to re-offer stock for sale under subsections (2) and (3), or where any other dispute or difficulty arises in relation to the application of subsections (2) and (3) —

(a) the manager may give all such directions as are necessary for the purpose of—

(i) fairly and reasonably applying subsections (2) and (3); and

(ii) resolving the dispute or difficulty; and

(b) each auctioneer must comply with each direction of the manager given under subsection 4(a).

Maximum penalty for subsection (4)(b) — 25 penalty units.

16 Sale charges

(1) The local government may prescribe fees applicable for the use of the saleyard and associated facilities.

(2) A person who sells stock, or offers stock for sale, at the saleyard (by auction or otherwise), for example, the auctioneer or agent for the stock, and the owner of the stock, are jointly and severally liable to pay to the local government the prescribed fees in respect of the sale of the stock.

(3) Within ~~thirty~~ three (3) days after each sale day on which stock are sold or offered for sale at the saleyard, the person who sold or offered the stock for sale, must—

~~(a) submit a return to the manager in the prescribed form specifying details of stock sold, unsold, or consigned at the saleyard on the sale day; and~~

pay the local government the prescribed fees payable on the basis of the information in the ~~return~~Livestock Management Program utilised by the local government.

(4) If subsection (3) is not complied with—

~~(b)~~(a) the local government may make its own determination about the information which should have been included in the prescribed form under subsection (3), using such information and knowledge as is reasonably available to it; and

~~(c)~~(b) the local government may determine the prescribed fees payable on the basis of the information; and

~~(d)~~(c) the local government may immediately take proceedings to recover the amount of the prescribed fees against any or all the persons liable to pay the fees as a debt payable by the person or persons to the local government.

(5) The local government may, be resolution, determine the terms and conditions to be included in a contract to be entered into between the local government and the holder of an approval in relation to matters which are outside the scope of this local law including, but not limited to, the payment of interest on fees which are prescribed under this section and unpaid at the expiry of 14 days after the date on which the fees should have been paid.

Part 5 Other management provisions

17 Purposes other than sales

(1) A person may request the approval of the local government to use the saleyard for any purpose of stock management, including (as examples only) —

(a) loading and unloading by rail; and

(b) transportation of stock; and

~~(c) breaking in of horses; and~~

~~(d)~~(c) spelling of stock.

(2) An application for an approval under subsection (1) must be—

(a) made in the prescribed form; and

(b) Accompanied by the prescribed fee.

(3) The local government may grant the approval if it is satisfied that the proposed use—

(a) is consistent with the purposes for which the saleyard is established; and

(b) is consistent with the purpose of this local law; and

(c) is not likely to cause damage to the saleyard or unreasonable interference to other users of the saleyard.

(4) An approval may be granted on conditions the local government considers appropriate.

(5) A person using the saleyard pursuant to an approval under this section must—

(a) comply with all reasonable directions of the manager in relation to the yarding, management and other dealings with stock under the approval; and

(b) provide the stock with adequate food, water and general care in accordance with the reasonable directions of the manager.

Maximum penalty — 50 penalty units.

(6) A person must not—

(a) use the saleyard for any purpose unless authorised by an approval under—

(i) this section; or

(ii) some other provision of this local law; or

(b) being the holder of an approval under this section - contravene a condition imposed on the approval.

Maximum penalty — 100 penalty units.

(7) For the purposes of *Local Law No. I (Administration) 2011* , section 5(b), use of the saleyard for a purpose identified in subsection (1) is not a prescribed activity.

~~**18 Dipping facilities**~~

~~(1) A person must not use dipping facilities at the saleyard unless—~~

~~(a) the person has an approval from the manager; and~~

~~(b) the person complies with all reasonable directions of the manager in relation to the dipping and associated activities; and~~

~~(a) the person has, before using the dipping facilities, made appropriate arrangements to pay the prescribed fee (for use of the dipping facilities) to the manager, within a period of 30 days after the dipping takes place.~~

~~Maximum penalty — 25 penalty units.~~

~~(2) Without affecting the liability of any person to be prosecuted for an offence against subsection (1), a person who uses dipping facilities contrary to subsection (1) must pay to the local government the prescribed fee which would have been payable in respect of the dipping if approval had been obtained, and if the fee is not paid on demand, the fee is recoverable by the local government as a debt payable by the person who used the dipping facilities.~~

~~(3) For the purposes of *Local Law No. 1 (Administration) 2011*, section 5(b), use of the dipping facilities at the saleyard is not a prescribed activity.~~

~~19~~18 Paddock rental

(1) Where paddock space at the saleyard is made available for use by any person—

(a) stock using paddock space must be in the custody of the owner of the stock or the owner's agent and the local government has no responsibility for control and keeping of the stock; and

(b) the person using the paddock space must provide the stock with adequate supplies of feed and water and must place the stock in paddock space as directed by the manager.

(2) Where paddock space provided at the saleyard is made available for use by any person under subsection (1) —

(a) the prescribed fee for use of the paddock space must be paid to the local government before the paddock space is used; and

(b) the person to whom the paddock space is provided by the local government must not sublet the paddock space.

~~20~~19 Ticket selling etc

(1) A person must not—

(a) sell raffle tickets or the like at the saleyard; or

(b) hawk, or sell goods or services at the saleyard,

without an approval from the local government.

Maximum penalty — 50 penalty units.

(2) An application for an approval under subsection (1) must be—

(a) made in the prescribed form; and

(b) accompanied by the prescribed fee.

(3) An approval—

(a) may be granted on conditions the local government considers appropriate; and

(b) is not transferable.

(4) The holder of an approval under subsection (1) must comply with the conditions of the approval.

Maximum penalty — 50 penalty units.

(5) For the purposes of *Local Law No. 1 (Administration) 2011,* section 5(b), use of the saleyard for an activity identified in subsection (1) is not a prescribed activity.

~~21~~20 Diseased and injured animals[3]

(1) If the manager reasonably believes that any stock at the saleyard is diseased or injured, the manager may take whatever steps are required, or give any notices that may be required, in order to comply with animal care and protection legislation and may also give written notice to the person in possession and control of the stock, or the owner of the stock, to immediately seek veterinary consultation for the stock at the saleyard~~remove the stock from the saleyard~~.

[3] ~~See footnote 2~~ See footnote 1.

(2) The person to whom a written notice is given under subsection (1) must immediately take steps to comply with the written notice~~remove the stock from the saleyard~~.

Maximum penalty — 50 penalty units.

(3) If the person to whom the written notice is given does not immediately ~~remove the stock from the saleyard~~ take steps to comply with the written notice then, without affecting the liability of any person to be prosecuted, the manager may—

(a) cause the stock to be removed to a pound, animal care facility or other appropriate place as the manager determines; or

(b) destroy the stock~~.~~

~~(b)~~(c) seek a veterinary consultation.

(4) Costs (including labour and overhead costs) incurred by the local government as a result of the manager acting under subsection (3) must be paid to the local government on demand by the person to whom the written notice was given and, if not so paid, may be recovered by the local government as a debt payable by the person to whom the written notice was given.

~~22~~21 Control of dogs

(1) A person must not take a dog into the saleyard except with the approval of the manager.

Maximum penalty — 50 penalty units.

(2) If a person takes a dog into the saleyard with the approval of the manager, the person must tie or secure the dog—

(a) at a place as directed by the manager; and

(b) in a manner that prevents the dog from running about the saleyard or interfering with any stock.

(3) Subsection (2) does not apply if—

(a) the manager has granted an approval in respect of the use of the dog at the saleyard; and

(b) the dog is being used at the saleyard in accordance with the approval.

~~23~~22 Branding or marking

(1) A person must not use any covered area or platform within the saleyard for the purpose of marking or branding any stock unless—

(a) the person has the approval of the managers to do so; or

(b) the area or platform is signed as having been set aside by the local government for the purpose of marking or branding.

Maximum penalty — 50 penalty units.

~~24~~23 Right of entry to saleyard and compliance with saleyard site rules

(1) A person other than an employee or agent of the local government or other person authorised in writing by the local government or the manager must not, without reasonable excuse, enter the saleyard except—

(a) on a day when a sale is to be conducted; or

(b) when some other use of the saleyard approved by the local government and which the person is expressly or impliedly invited to attend, is being conducted.

Maximum penalty — 50 penalty units.

(2) Any person entering the saleyards must comply with the saleyard site rules.

~~25~~24 Motor vehicles and temporary parking restrictions

(1) A person must not drive a motor vehicle on any part of the saleyard other than a part—

(a) constructed as a road; or

(b) otherwise set aside, and signed, as an area for the driving or parking of motor vehicles.

Maximum penalty — 25 penalty units.

(2) If the local government is satisfied that a temporary prohibition or restriction on parking is necessary because of a particular event, or conditions temporarily applying in a particular part of the saleyard, the local government may temporarily prohibit or restrict parking within the saleyard.

Example—

The local government might temporarily prohibit parking on a particular part of a road within the saleyard if building work that is being carried out on or adjacent to the road makes it impracticable to use the relevant part of the road for parking.

The local government might also temporarily prohibit parking on a particular part of a road within the saleyard such as a road providing access to and egress from the wash down area so as to facilitate the orderly use and availability of the wash down area.

(3) A power under subsection (2) may be exercised by resolution of the local government, or by a person to whom the power has been delegated by the local government.

~~26~~25 Damage to property

(1) A person must not wilfully and unlawfully break, damage or destroy a building, fence, structure, item of plant or equipment, ground work, other improvement or other property of any nature at the saleyard.

Maximum penalty — 50 penalty units.

(2) Without limiting the liability of a person to be prosecuted under subsection (1), a person who contravenes subsection (1) must pay to the local government, on demand, the cost (including labour and other overhead costs incurred by the local government) of repairs or replacement required to be carried out or made in consequence of the breakage, damage or destruction.

(3) The liability under subsection (-1) is joint and several in respect of each person who is otherwise liable under subsection (1).

(4) The repairs or replacement must be carried out or made by the local government.

(5) Payment under subsection (2) must be made within 14 days after the date on which the local government gives the person liable to pay a written statement of the cost

of the repairs or replacement and, if payment is not made, the cost is recoverable by the local government as a debt payable by the person to whom the statement of cost is given.

~~27~~26 General offences

(1) A person at the saleyard must not do, or permit to be done, any of the following—

(a) deposit, waste at any place other than a waste receptacle provided for the collection of waste by the local government;

(b) wilfully and unlawfully damage or deface any part of a building, fitting, fixture, plant or equipment;

(c) place a nail, hook, peg, or other fitting or thing in or on any part of the saleyard without the approval of the manager;

(d) obstruct, or loiter in, any entrance, thoroughfare, passageway or race;

(e) obstruct, prevent, hinder or interfere with the manager or any employee or agent of the local government in the exercise or performance of the persons powers or duties;

(f) make excessive use of a whip, jigger, cane, flapper, or other similar device.

Maximum penalty — 10 penalty units.

(2) A person must not bring any object onto the saleyard if the object is dangerous or may be used in a dangerous way, without the permission of the manager.

Maximum penalty — 10 penalty units.

~~28~~27 Limitation of liability

(1) The local government is not civilly liable for an act done, or omission made, honestly and without negligence, under this local law.

(2) In particular, the local government—

(a) does not have legal possession or control of any stock brought onto the saleyard by a person other than the local government[4]; and

(b) owes no duty of care to any person in respect of, and is not otherwise responsible for, the safety, management, or control of any stock within the saleyard.

(3) For the avoidance of doubt, if there is any inconsistency between this section and a law made by the State, the law made by the State prevails to the extent of the inconsistency.

~~29~~28 Removal of persons from saleyard

(1) Any person found at the saleyard committing an offence against this local law may be directed by an authorised person to immediately leave the saleyard.

(2) A person must immediately comply with a direction made under subsection (1).

(3) An authorised person may remove or cause to be removed from the saleyard any person who has failed to comply with a direction of an authorised person under

[4] See sections 8(a) and 9(5).

subsection (2) and for the purposes of such removal, may use reasonable force.

~~30~~29 Exclusion from saleyard

A person who has been directed to leave the saleyard under section ~~29(1)~~ 28(1) or who has been removed under section ~~29(3)~~ 28(3) must not re-enter the saleyard on the same day.

~~31~~30 Power to remove or reduce danger

(1) If a person brings an object into the saleyard that may endanger the safety of another, an authorised person may direct the person to take specified action to remove or reduce the danger.

(2) A person must comply with a direction under subsection (1).

Maximum penalty — 10 penalty units.

~~32~~31 Seizure and detention of dangerous objects

(1) If a person has a dangerous object in the saleyard or uses or has used an object in the saleyard in a dangerous way, an authorised person may seize the object.

(2) If an authorised person seizes an object under subsection (1-), the authorised person must deal with the seized object in the manner specified in section 37 of *Local Law No. 1 (Administration) 2011*.

Part 6 Subordinate local laws

~~33~~32 Subordinate local laws

The local government may make subordinate local laws about—

(a) the information or materials which must be included in, or are to accompany, a written application[5]; and

(b) the conditions applicable to the sale of stock at the saleyard[6]; and

(c) maximum times for the selling of stock[7]; and

(d) other species of animal prescribed as stock[8].

[5] See section 12(3).
[6] See section 13(1).
[7] See section 15(1).
[8] See section 3, schedule, definition *stock*.

Schedule Dictionary

section 3

Act means the *Local Government Act 2009*.

adequate food means —

(a) stockfeed of a quantity which is adequate in the circumstances; and

(b) stockfeed which is supplied by

(i) the owner of the stock; or

(ii) a stock feed supplier who has a current quality assurance certificate for the conduct of a stock feed supply business.

animal care and protection legislation means any legislation, standards or codes of practice dealing with the care and use of animals such as the *Animal Care and Protection Act 2001* and associated regulation and the *Biosecurity Act 2014* and associated regulation;

authorised person means has the meaning given in *Local Law No. 1 (Administration) 2011*.

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

holder, of an approval, means the holder of an approval granted under the local law and includes all employees, agents and authorised contractors of the holder of the approval.

manager means the person appointed by the local government to exercise the powers of a manager under this local law and includes any person for the time being performing the duties of the manager at the direction of, or with the approval of, the local government.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

owner, of stock includes—

(a) the auctioneer, agent or other person authorised by the owner to—

(i) sell the stock by auction or otherwise at the saleyard; or

(ii) consign the stock from the saleyard; and

(b) any person in charge of the stock

prescribed fee means a fee or charge dete1mined by the local government for the matter in respect of which the term is used[9].

prescribed form means a form approved by resolution of the local government for the matter in respect of which the term is used.

regular sale day means a day fixed under section 12(1).

saleyard means the saleyards and associated land and facilities acquired, provided, constructed, maintained or managed by the local government at which stock are—

(a) sold or offered or exposed for sale; or

[9] The local government has a power to determine cost – recovery fees under section 97, and fees and charges generally, under s262 of the *Local Government Act 2009*.

(b) held or kept for the purpose of being sold or offered or exposed for sale; or

(c) kept or held on sale; or

(d) offered or exposed for exchange or disposal.

saleyard site rules means any rules published by the manager as the general rules applicable at the saleyard site.

stock means —

(a) cattle; and

(b) horses; and

(c) goats; and

(d) sheep; and

~~(b)~~(e) any other animal approved by the manager from time to time.

~~(c)~~(f) ~~any other species of animal prescribed by subordinate local law~~.

structure has the meaning given in the Act.

waste has the meaning given in the *Environmental Protection Act 1994*.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 6 (Operation of Saleyards) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____

Chief Executive Officer

Local Law No. 7 (Aerodromes) 2011

Contents

Part 1 Preliminary 3

1 Short title 3
2 Purpose and how it is to be achieved 3
3 Definitions—the dictionary 3
4 Application of local law 3

Part 2 Use and operation of an aerodrome 3

5 Use by aircraft 3
6 Aircraft parking 5
7 General use by vehicles within an aerodrome 5
8 Use of vehicles on an airside area 6
9 Use of buildings and facilities 6
10 Safety requirements 6
11 Conduct of persons on the airside area of an aerodrome 7
12 Conduct of persons on any part of an aerodrome 8
13 Special events 8

Part 3 Fees and charges 9

14 Fees and charges 9

Part 4 Prevention of hazards to aircraft 9

15 Application of part 9
16 Notice to remove hazard 10
17 Application of Local Law No. 1 (Administration) 2011 10
18 Local government's power to carry out work 10
19 Recovery of local government's costs 10
20 No compensation payable 11
21 Approval of temporary structures, etc. 11

Part 5 Authority of authorised person 11

22 Seizure and detention of dangerous objects 11
23 Removal of persons from an aerodrome 12
24 Exclusion from aerodromes 12
25 Moving of aircraft 12

Part 6 Miscellaneous 13

26 Aerodrome damage 13

27 Service of notices 13
28 Subordinate local laws 13
Schedule Dictionary 14
Part 1 Preliminary 1
1 Short title 1
2 Purpose and how it is to be achieved 1
3 Definitions—the dictionary 1
4 Application of local law 1
Part 2 Use and operation of an aerodrome 1
5 Use by aircraft 1
6 Aircraft parking 3
7 General use by vehicles within an aerodrome 3
8 Use of vehicles on an airside area 4
9 Use of buildings and facilities 4
10 Safety requirements 4
11 Conduct of persons on the airside area of an aerodrome 5
12 Conduct of persons on any part of an aerodrome 5
13 Special events 6
Part 3 Fees and charges 7
14 Fees and charges 7
Part 4 Prevention of hazards to aircraft 7
15 Application of part 7
16 Notice to remove hazard 8
17 Application of Local Law No. 1 (Administration) 2011 8
18 Local government's power to carry out work 8
19 Recovery of local government's costs 8
20 No compensation payable 9
21 Approval of temporary structures, etc. 9
Part 5 Authority of authorised person 9
22 Seizure and detention of dangerous objects 9
23 Removal of persons from an aerodrome 10
24 Exclusion from aerodromes 10
Part 6 Miscellaneous 10
25 Aerodrome damage 10
26 Service of notices 10
27 Subordinate local laws 11
Schedule Dictionary 12

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 7 (Aerodromes) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to regulate the use and operation of aerodromes controlled by the local government.

(2) The purpose is to be achieved by—

(a) protecting the public against risk of injury and the community against damage; and

(b) ensuring that activities at the aerodromes are undertaken in an orderly and safe manner and do not create a hazard to public health or a threat to property; and

(c) controlling the public use of the aerodromes to the extent that the use is consistent with the rights, expectations and safety of the local community; and

(d) protecting the obstacle limitation surfaces (OLS) and minimising hazards to aircraft; and

(e) providing for—

(i) fees and charges for the rights described in paragraph (c); and

(ii) the powers and authority of persons authorised by the local government for the purposes of this local law; and

(iii) penalties for breaches of the local law; and

(iv) liability arising out of use of the aerodromes.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Application of local law

This local law is in addition to, and does not derogate from—

(a) laws regulating the use or development of land in the area in which the local government has jurisdiction; or

(b) civil aviation laws; or

(c) civil aviation safety laws.

Part 2 Use and operation of an aerodrome

5 Use by aircraft

(1) Subject to civil aviation laws and civil aviation safety laws the local government may, by means of signs, notices or markers placed on an aerodrome or a part of an aerodrome, regulate the use and operation of the aerodrome.

(2) For example, under subsection (1), the local government may—

(a) exclude from the aerodrome, any particular aircraft or type or class of aircraft or activity where the local government is of the reasonable opinion that the operation of the aircraft or type or class of aircraft or activity is unduly noisy, dangerous or not in the public interest; and

(b) subject any activity on or based on the aerodrome to such conditions as the local government considers necessary and desirable including, but not restricted to, conditions about the hours and duration of operation of the activity; and

(c) designate a part of the aerodrome where a particular activity may or may not be carried on; and

(d) during specified periods or at specified times, restrict the use by aircraft of the aerodrome for—

(i) departures; or

(ii) landings; or

(iii) servicing; or

(iv) embarkment of passengers; or

(v) disembarkment of passengers; or

(vi) transport of freight; or

(vii) any combination of paragraphs (i) to (vi); and

(e) restrict the use by aircraft of the aerodrome for training operations on any night or on every night during hours prescribed by the local government; and

(f) prohibit access to, or the use of, the whole or part of the aerodrome by persons, aircraft or vehicles during specified periods or at specified times.

(3) Where an aircraft is used, or an activity is carried on, in contravention of subsection (1), an authorised person may give a written notice to a person who is a relevant person in relation to the aircraft or activity, directing the person, within a time specified in the notice—

(a) to cease the use of the aircraft or activity; or

(b) to remove the aircraft from the aerodrome; or

(c) to remove the aircraft or activity to an area specified by the authorised person in the notice; or

(d) to pay prescribed fees; or

(e) to pay fees and charges imposed under section 14; or

(f) any combination of paragraphs (a) to (e).

(4) A relevant person to whom a direction is given under subsection (3) must comply with the direction.

Maximum penalty for subsection (4) (other than where the direction is given under subsection (3)(d) or (e)) — 50 penalty units.

6 Aircraft parking

(1) The local government may, by means of signs, notices or markers placed on an aerodrome—

(a) designate a part of the aerodrome to be an area for the parking of aircraft; and

(b) if the part is not to be used for the parking of all aircraft —specify the kind of aircraft that may be parked in the part; and

(c) specify the conditions (if any), including conditions relating to the times and periods during which aircraft may be parked in the part.

(2) A person must not park an aircraft on an aerodrome—

(a) except in the part of the aerodrome designated under subsection (1) to be an area in which an aircraft, or a particular kind of aircraft, may be parked; and

(b) except in accordance with any conditions specified under subsection (1)(c).

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

(3) Where an aircraft is parked in contravention of subsection (2), an authorised person may give a written notice to a person who is a relevant person in relation to the aircraft, directing the person to—

(a) remove the aircraft from the aerodrome; or

(b) remove the aircraft to an area specified by the authorised person in the notice.

(4) A relevant person to whom a direction is given under subsection (3) must comply with the direction.

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

(5) If a person fails to comply with a direction given under subsection (3) without reasonable and lawful excuse, an authorised person may, with such assistance and reasonable force as is necessary, remove the aircraft as required by the direction.

(6) An action does not lie against the local government, an authorised person or any other officer, employee or agent of the local government acting in the course of his or her employment, for or in respect of—

(a) loss of, or damage to, an aircraft during its removal under subsection (5); or

(b) loss of, or damage to, an aircraft so removed while it is in the custody, possession or control of the local government, an authorised person or any other officer, employee or agent of the local government.

(7) Subsection (6) does not apply to loss or damage wilfully or negligently caused by the local government, an authorised person or any other officer, employee or agent of the local government.

7 General use by vehicles within an aerodrome

(1) The local government may determine and include or notify, by means of permanently displayed signs or notices, with or without reference to lanes or marked areas and positions within an aerodrome, areas in which a person is, or is not, permitted to park a vehicle or cause a vehicle to stand.

(2) Where a sign or notice of a kind referred to in subsection (1) is displayed on an

aerodrome, the sign or notice is, unless the contrary is proved, deemed to be in accordance with a determination under this local law and to be duly displayed in accordance with this local law.

(3) A person must not park a vehicle, or cause a vehicle to stand, in contravention of the terms of a sign or notice displayed under subsection (1).

Maximum penalty for subsection (3) — 20 penalty units.

8 Use of vehicles on an airside area

(1) A person must not use a vehicle on an airside area unless authorised by an approval (a ***vehicle approval***).

(2) This section does not apply to the use of an emergency vehicle on an airside area by an emergency worker who is—

(a) responding to an emergency; and

(b) taking reasonable care.

(3) For the purposes of *Local Law No. 1 (Administration) 2011*, section 5(b), it is a prescribed activity to use a vehicle on an airside area.

9 Use of buildings and facilities

(1) A person must not—

(a) use any convenience or amenity provided on an aerodrome for any purpose other than the purpose for which it is provided or intended; or

(b) destroy, remove, obliterate, deface, alter or otherwise interfere with any barrier, notice, sign or marking designed or intended for direction, guidance, warning or information of persons using an aerodrome; or

(c) deliberately or recklessly damage or destroy any building, fence, structure, ground work, improvement or other property of the local government at an aerodrome.

Maximum penalty for each of paragraphs (a), (b) and (c) — 50 penalty units.

(2) The local government may, by subordinate local law, prescribe conditions for the use of buildings, facilities and amenities at an aerodrome.

(3) A person must comply with a condition prescribed for the use of buildings, facilities or amenities at an aerodrome by subordinate local law under subsection (2).

Maximum penalty — 100 penalty units.

10 Safety requirements

(1) The local government may, by subordinate local law, prescribe procedures to be complied with to preserve and enhance safety at an aerodrome.

(2) For example, the local government may—

(a) prescribe procedures for—

(i) the protection of members of the public at the aerodrome; and

(ii) the protection of infrastructure at the aerodrome; and

(iii) ensuring aircraft which use the aerodrome are operated in compliance

with civil aviation laws and civil aviation safety laws; and

(b) prescribe safety procedures for—

(i) the fuelling of aircraft; and

(ii) the movement of passengers to and from aircraft; and

(iii) aircraft servicing and the movement of aircraft on an aircraft stand.

(3) A person must comply with a safety procedure prescribed by subordinate local law under subsection (1).

Maximum penalty for subsection (3) — 100 penalty units.

11 Conduct of persons on the airside area of an aerodrome

(1) A person must not, without reasonable and lawful authority or excuse—

(a) enter or remain on an airside area; or

(b) bring or leave any property or dangerous goods or materials on an airside area.

Maximum penalty for each of paragraphs (a) and (b) — 50 penalty units.

(2) An authorised person may, with such assistance and reasonable force as is necessary, remove a person, property, goods or materials from an aerodrome if —

(a) the person contravenes subsection (1); or

(b) the property, goods or materials are found in contravention of subsection (1)(b).

(3) A person must not smoke or do any act to procure a naked flame —

(a) within 15m of a stationary aircraft; or

(b) in any non-smoking part of an aerodrome.

Maximum penalty for each of paragraphs (a) and (b) — 100 penalty units.

(4) For the purposes of subsection (3), a non-smoking part of an aerodrome is a part declared by the local government and upon which is posted a sign or notice that—

(a) identifies the part; and

(b) indicates that smoking in the part is prohibited; and

(c) purports to have been posted with the authority of the local government.

(5) A passenger or intending passenger of an aircraft must, whilst on an airside area, obey the directions of an authorised person as to the passenger's conduct and movements.

Maximum penalty for subsection (5) — 10 penalty units.

(6) A person lawfully entering or being on an airside area must—

(a) behave in a proper manner and so as not to cause annoyance or inconvenience to any other person lawfully on the airside area; and

(b) obey any direction reasonably given to the person by an authorised person for the purpose of preserving order or promoting or facilitating the proper use and enjoyment of the aerodrome.

Maximum penalty for each of paragraphs (a) and (b) — 10 penalty units.

12 Conduct of persons on any part of an aerodrome

(1) For the purposes of this section a person is an ***undesirable person*** if the person, whether or not a passenger or intending passenger of an aircraft, is considered by an authorised person on reasonable grounds to be —

(a) intoxicated or so under the influence of intoxicants or drugs as to make the person's presence on an aerodrome dangerous to themselves or to other persons; or

(b) indulging in unruly, obscene, offensive or threatening behaviour towards another person.

(2) An authorised person may direct an undesirable person—

(a) not to enter an aerodrome; or

(b) if already upon the aerodrome — to leave the aerodrome and not to return on the same day.

(3) The person to whom a direction is given under subsection (2) must comply with the direction.

Maximum penalty for subsection (3) — 20 penalty units.

(4) An authorised person may use reasonable force to —

(a) prevent an undesirable person from entering an aerodrome; or

(b) remove an undesirable person from an aerodrome.

(5) A person must not, without the authority of an authorised person, discharge a firearm—

(a) on or over any part of an aerodrome; or

(b) adjacent to an aerodrome in such a manner that the projectile discharged from the firearm travels over, or is likely to travel over, any part of the aerodrome.

Maximum penalty for subsection (5) — 50 penalty units.

(6) A person must not bring, or permit to stray, on to an aerodrome, an animal without the prior approval of an authorised person. [1]

Maximum penalty for subsection (6) — 20 penalty units.

(7) An animal unlawfully on an aerodrome may be removed from the aerodrome by an authorised person, or by any person under the direction of an authorised person.

(8) An animal removed from an aerodrome under subsection (7) may be impounded at an animal pound established by the local government.

(9) Subject to compliance with section 11(3), a person must not light a fire on an aerodrome without the prior approval of an authorised person[2].

Maximum penalty for subsection (9) — 50 penalty units.

13 Special events

The local government may, on any special occasion, special event or other event of

---

[1] This subsection is subject to the provisions of the *Guide, Hearing and Assistance Dogs Act 2009.*

[2] A person may smoke on an aerodrome other than in those areas mentioned in section 11(3).

public interest at an aerodrome—

(a) make particular arrangements for the control of the aerodrome; and

(b) charge fees for participation and admission to the occasion or event; and

(c) impose conditions for the use of the aerodrome for the occasion or event as the local government considers appropriate in the circumstances.

Part 3 Fees and charges

14 Fees and charges

(1) The local government may impose fees and charges for each and every right of use of an aerodrome[3], including charges for leasehold areas within an aerodrome.

Examples—

Charges may be imposed for landing at an aerodrome, or for parking or storing aircraft on the aerodrome, or for the number of embarking passengers (i.e. so-called "passenger charges").

(2) All persons who use an aerodrome in a manner for which a fee or charge is imposed under subsection (1) are jointly and severally liable for the payment of the fees and charges.

(3) The persons who use an aerodrome in relation to an aircraft include, without limitation—

(a) the relevant person for the aircraft; and

(b) the operator of the aircraft; and

(c) the owner of the aircraft.

(4) Where a fee or charge imposed by the local government under subsection (1) is calculated by reference to the number of passengers carried on an aircraft, the local government may permit the owner of the aircraft to furnish to the local government on a monthly basis particulars of the number of passengers carried on each flight of the aircraft together with the fee or charge imposed under subsection (1).

(5) The information, fees and charges required to be furnished to the local government under subsection (4) must be furnished to the local government not later than 21 days after the end of the calendar month to which the particulars relate.

(6) If the owner of an aircraft fails or neglects to furnish to the local government the particulars specified in subsection (4) then, for the purposes of the calculation of fees and charges payable to the local government, each aircraft shall be deemed to have carried a full complement of passengers.

(7) The local government may, in an appropriate case, waive or partially remit a fee or charge imposed under subsection (1).

Part 4 Prevention of hazards to aircraft

15 Application of part

This part applies to the removal of obstacles and hazards affecting, or likely to affect,

[3] See section 262(3)(c) of the Act.

the safe operation of aircraft in the vicinity of an aerodrome.

16 Notice to remove hazard

(1) This section applies if there is, on any land adjoining, or in the vicinity of, an aerodrome—

(a) a tree penetrating, or through further growth in a short period likely to penetrate, the OLS; or

(b) a structure or part of a vehicle penetrating the OLS; or

(c) a light exhibited which, by reason of glare or by causing confusion or by interfering with the operation of aircraft, is likely to endanger the safety of aircraft; or

(d) a presence of waste foodstuffs which constitute, or are likely to constitute, such an attraction to birds as to create a hazard, or a potential hazard, to aircraft using or operating in the vicinity of the aerodrome.

(2) The local government may give a written notice (a ***compliance notice***) to a person, being the owner or occupier of the relevant land or the person apparently in charge of a vehicle to which subsection (1)(b) refers, requiring the person to—

(a) in the case of subsection (1)(a) — remove or lop that part of the tree penetrating, or likely to penetrate, the OLS; and

(b) in the case of subsection (1)(b) — remove or dismantle, to the extent necessary, the structure or part of the vehicle so that the structure or part does not penetrate the OLS; and

(c) in the case of subsection (1)(c) — extinguish the light or shield it to the extent necessary to remove any likely danger to the safety of aircraft operation and refrain from exhibiting the light, or any other light having similar effect, in the future; and

(d) in the case of subsection (1)(d) — remove or effectively cover the waste foodstuffs so that the waste foodstuffs do not constitute an attraction to birds.

Examples of paragraph (b)—

1. A structure includes a pole, or television or radio mast.
2. A part of a vehicle includes a crane, jib or height extension apparatus.

17 Application of Local Law No. 1 (Administration) 2011

Section 16 applies subject to section 27 of *Local Law No. 1 (Administration) 2011*.

18 Local government's power to carry out work

If a person to whom a compliance notice is given fails to comply with the notice the local government may, in addition to any penalty imposed under section 27 of *Local Law No. 1 (Administration) 2011,* enter the relevant land under section 142 of the Act and perform the work specified in the notice and, in the case of a vehicle, remove the vehicle or carry out work on the vehicle to the extent necessary so that no part of the vehicle penetrates the OLS.

19 Recovery of local government's costs

If the person who failed to comply with a compliance notice—

(a) is the owner of the relevant land, the amount properly and reasonably incurred by the local government in performing the work is recoverable (together with interest) by the local government under section 142 of the Act; or

(b) is not the owner of the relevant land, the amount properly and reasonably incurred by the local government is recoverable by the local government as a debt from the person in default (together with interest) under section 142 of the Act.

20 No compensation payable

(1) The local government is not liable to pay compensation to a person —

(a) who is required to comply with a compliance notice and who complies with the notice; or

(b) who suffers loss or damage reasonably caused by the local government in performing work under section 18 because of the person's failure to comply with a compliance notice.

(2) Subsection (1)(b) applies subject to section 147 of the Act[4]

21 Approval of temporary structures, etc.

(1) The local government may (only after appropriate consultation with relevant stakeholders as required for the protection of airspace) permit a temporary structure or a part of a vehicle to penetrate the OLS for a limited period of time provided proper regard is given to the safe operation of aircraft in the vicinity of an aerodrome during the period for which the permit applies.

(2) A permit may be granted subject to conditions the local government considers to be reasonably necessary so as not to endanger aircraft safety.

(3) A person to whom a permit is granted must—

(a) not exceed the time limit for which the permit is granted; and

(b) ensure that the conditions of the permit are complied with.

Maximum penalty for each of paragraphs (a) and (b) — 50 penalty units.

(4) For the avoidance of doubt, the activity described in subsection (1) is not a prescribed activity for section 5(b) of *Local Law No. 1 (Administration) 2011.*

Part 5 Authority of authorised person

22 Seizure and detention of dangerous objects

(1) An authorised person may seize an object from a person on an aerodrome if—

(a) the object is dangerous; or

(b) the person uses or has used the object in a dangerous way.

(2) If an authorised person seizes an object under subsection (1), the local government must deal with the object in accordance with section 37 of *Local Law No. 1*

[4] See *Local Government Act 2009*, section 147 (Compensation for damage or loss caused).

(Administration) 2011.

23 Removal of persons from an aerodrome

(1) Any person found on an aerodrome committing an offence against this local law may be directed by an authorised person to leave the aerodrome.

(2) A person must comply with a direction given under subsection (1).

Maximum penalty for subsection (2)—20 penalty units.

(3) An authorised person may—

(a) remove or cause to be removed from an aerodrome any person who has failed to comply with a direction of an authorised person given under subsection (1); and

(b) for the purposes of the removal — use reasonable force.

24 Exclusion from aerodromes

A person who has been directed to leave an aerodrome under section 23(1) or who has been removed from an aerodrome under section 23(3) must not re-enter the aerodrome on the same day.

Maximum penalty—20 penalty units.

25 Moving of aircraft

(1) Where an authorised person has reasonable grounds to consider that a relevant person has committed an offence against this local law, that authorised person may give a written notice to a person who is a relevant person in relation to the aircraft, directing the person to—

(a) remove the aircraft from the aerodrome; or

(b) remove the aircraft to an area specified by the authorised person in the notice.

(2) A relevant person to whom a direction is given under subsection (1) must comply with the direction.

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

(3) If a person fails to comply with a direction given under subsection (1) without reasonable and lawful excuse, an authorised person may, with such assistance and reasonable force as is necessary, remove the aircraft as required by the direction.

(4) An action does not lie against the local government, an authorised person or any other officer, employee or agent of the local government acting in the course of his or her employment, for or in respect of—

(a) loss of, or damage to, an aircraft during its removal under subsection (3); or

(b) loss of, or damage to, an aircraft so removed while it is in the custody, possession or control of the local government, an authorised person or any other officer, employee or agent of the local government.

(5) Subsection (4) does not apply to loss or damage wilfully or negligently caused by the local government, an authorised person or any other officer, employee or agent of the local government.

Part 6 Miscellaneous

~~25~~26 Aerodrome damage

Where a person offends against this local law the person is, in addition to any penalty prescribed for the offence, liable for any damage to an aerodrome arising from the offence and the cost of repairing the damage may be recovered by the local government from the person in a court of competent jurisdiction.

~~26~~27 Service of notices

(1) If this local law requires or permits a notice which involves the use of an aircraft to be served on a person, the notice may be served—

(a) on an individual—

(i) by delivering it to the person personally; or

(ii) by leaving it at, or by sending it by post, telex, facsimile or similar facility to, the address of the place of residence or business of the person last known to the person serving the notice; or

(b) on a body corporate — by leaving it at, or sending it by post, telex, facsimile or similar facility to, the head office, a registered office or a principal office of the body corporate; or

(c) if the person or body corporate cannot be found or the address of the person or body corporate is unknown to the person serving the notice — by securely placing or attaching the notice, addressed to the person or body corporate, as the case may be, without further description, on or to the aircraft in a conspicuous position.

(2) If a notice is served under subsection (1)(c), it is taken to have been served on the person or body corporate, as the case may be, on the day it is placed on or attached to the aircraft.

~~27~~28 Subordinate local laws

The local government may make subordinate local laws about —

(a) the conditions for the use of buildings, facilities and amenities at an aerodrome[5]; and

(b) the procedures to be complied with to preserve and enhance safety at an aerodrome[6] and

(c) other matters about which this local law specifically provides for the making of subordinate local laws.

---

[5] See section 9(2).

[6] See section 10(1).

Schedule Dictionary

section 3

aerodrome means any aerodrome within the meaning of the *Civil Aviation Act 1988 (Cwlth)*, section 3 but only if the aerodrome is—

(a) located in the area; and

(b) owned by or under the control of the local government.

aircraft —

(a) has the meaning given in the *Civil Aviation Act 1988 (Cwlth),* section 3; and

(b) includes any form of fixed wing aircraft or aeroplane, helicopter, ultra light, glider, hang-glider, dirigible, airship, hot air balloon, or any form of craft capable of carrying at least 1 person whilst sustaining itself off the ground.

aircraft stand means an area at an aerodrome designated by the local government for the parking of aircraft including, but not limited to, the parking of aircraft for the purposes of loading and unloading freight, mail and cargo, and for the embarkation or disembarkation of passengers.

airside area means any area of an aerodrome where aircraft movements are conducted, including—

(a) all aprons and areas on the operational side of any security fencing; and

(b) areas designated as such by any signage; and

(c) any area provided for the storage of aviation fuel; and

(d) any area set aside for radio navigation aids, communication, or ground equipment.

area means the local government area of the local government.

authorised person means a person appointed by the local government to be an authorised person for this local law.

civil aviation laws means a law made by or under an Act enacted by the Commonwealth Parliament in relation to the use and operation of an aerodrome.

civil aviation safety laws means a law made by or under an Act enacted by the Commonwealth Parliament in relation to aircraft safety at, or in the vicinity of, an aerodrome.

compliance notice see section 16(2).

emergency vehicle means a vehicle driven by a person who is —

(a) an emergency worker; and

(b) driving the vehicle in the course of his or her duties as an emergency worker.

emergency worker means—

(a) an officer of the Queensland Ambulance Service or an ambulance service of another State; or

(b) an officer of the Queensland Fire and Rescue Service or a fire and rescue service of another State; or

(c) an officer or employee of another entity with the written permission of the

commissioner of the Police Service; or

(d) an officer of the State Emergency Service or a State emergency service of another State; or

(e) an officer of Emergency Management Queensland.

local government area has the meaning given in the Act.

obstacle limitation surface or ***OLS*** —

(a) means the series of surfaces established by the local government in the air space around an aerodrome which limit the height above ground level of objects surrounding the aerodrome; and

(b) an object which projects through the OLS for an aerodrome becomes an obstacle to the operation of aircraft at the aerodrome.

operator means a person, organisation or enterprise engaged in, or offering to engage in, the operation of an aircraft, including all general movements of the aircraft.

owner in relation to—

(a) a vehicle means—

(i) in the case of a vehicle registered under a law of a State or territory relating to the registration of vehicles — the person in whose name the vehicle is registered; or

(ii) in the case of any other vehicle —every joint owner or part owner of the vehicle and any person who has lawful possession and use of the vehicle under or subject to a hire–purchase agreement or a bill of sale at the material time; and

(b) an aircraft includes—

(i) each lessee, lessor or charterer of the aircraft; and

(ii) the holder of a certificate of registration for the aircraft; and

(iii) any person who is or appears to be in control of the aircraft.

prescribed fee has the meaning given in *Local Law No. 1 (Administration) 2011.*

relevant person means—

(a) in relation to an aircraft—

(i) the owner, operator, hirer or pilot in command of the aircraft; or

(ii) the person apparently in charge of the aircraft at the time a direction is given to the person under this local law; or

(b) in relation to an activity, the person apparently in charge of organising the activity at the time a direction is given to the person under this local law.

the Act means the *Local Government Act 2009*.

undesirable person see section 12.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vehicle approval see section 8(1).

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 7 (Aerodromes) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____

Chief Executive Officer

Local Law No. 8 (Waste Management) 2018

Contents

Part 1 Preliminary 1

1 Short title 1
2 Purpose and how it is to be achieved 1
3 Definitions 1
4 Relationship to other laws 1

Part 2 Waste management 1

Division 1 Designation of areas for general or green waste collection 1

5 Designation of areas 1

Division 2 General Waste 2

Subdivision 1 Storage of general waste 2

6 Owner or occupier of premises to supply waste containers 2
7 Requirements for storing general waste in waste containers 2
8 General requirements for keeping waste containers at serviced premises 3
9 Other requirements for storing general waste at particular serviced premises 4

Subdivision 2 Removal of general waste 54

10 Local government may give notice about removal of general waste 5
11 Depositing or disposal of general waste from premises other than serviced premises 5

Division 3 Storage and treatment of industrial waste 5

12 Requirements for storing industrial waste 5
13 Requirement to treat industrial waste for disposal 6
14 Littering **Error! Bookmark not defined.**

Part 3 Waste receival and disposal 76

15 Unlawful disposal of waste at waste facility 7
16 Restrictions on burning waste at waste facility 7
17 Restrictions on use of waste facility 7
18 Person to comply with directions and give information 8

Part 4 Subordinate local laws 8

19 Subordinate local laws 8

Part 5 Transitional provisions 9
20 Continuation of chapter 5A requirements 9
Schedule Dictionary 10
Part 1 Preliminary 1
1 Short title 1
2 Purpose and how it is to be achieved 1
3 Definitions 1
4 Relationship to other laws 1
Part 2 Waste management 1
Division 1 Designation of areas for general or green waste collection 1
5 Designation of areas 1
Division 2 General Waste 2
Subdivision 1 Storage of general waste 2
6 Owner or occupier of premises to supply waste containers 2
7 Requirements for storing general waste in waste containers 2
8 General requirements for keeping waste containers at serviced premises 3
9 Other requirements for storing general waste at particular serviced premises 4
Subdivision 2 Removal of general waste 5
10 Local government may give notice about removal of general waste 5
11 Depositing or disposal of general waste from premises other than serviced premises 5
Division 3 Storage and treatment of industrial waste 5
12 Requirements for storing industrial waste 6
13 Requirement to treat industrial waste for disposal 6
Part 3 Waste receival and disposal 7
14 Unlawful disposal of waste at waste facility 7
15 Restrictions on burning waste at waste facility 7
16 Restrictions on use of waste facility 7
17 Person to comply with directions and give information 8
Part 4 Subordinate local laws 8
18 Subordinate local laws 8
Part 5 Transitional provisions 9
19 Continuation of chapter 5A requirements 9

~~Schedule — Dictionary..... 10~~

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law No. 8 (Waste Management) 2018.

2 Purpose and how it is to be achieved

The purpose of this local law is to protect the public health, safety and amenity related to waste management by—

(a) regulating the storage, servicing and removal of waste; and

(b) regulating the disposal of waste at waste facilities; and

(c) ensuring that an act or omission does not result in—

(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.

3 Definitions

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

4 Relationship to other laws

(1) This local law is—

(a) in addition to, and does not derogate from laws about the management of waste; and

(b) to be read with Local Law No. 1 (Administration) 2011.

~~(2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).~~ This Local Law replaces Chapter 6 (Waste management by local governments) in the *Environmental Protection Regulation 2019*'

Part 2 Waste management

Division 1 Designation of areas for general or green waste collection

5 Designation of areas

The local government may—

(a) by resolution, designate areas within its local government area in which the local government may conduct general waste or green waste collection; and

(b) decide the frequency of general waste or green waste collection in the

designated areas.

Division 2 General Waste

Subdivision 1 Storage of general waste

6 Owner or occupier of premises to supply waste containers

(1) The owner or occupier of premises must—

(a) subject to subsection (2), supply standard general waste containers at the premises as —

(i) are necessary to contain the general waste produced at the premises; or

(ii) are prescribed by subordinate local law; or

(b) supply at the premises, waste containers, other than standard general waste containers, as—

(i) if required by the local government - are necessary to contain the general waste produced at the premises; or

(ii) are prescribed by subordinate local law.

Examples of ways the local government may require waste containers for paragraph 1(b)(i)—

by a resolution of the local government or a development approval for the premises

Maximum penalty — 20 penalty units.

(2) However, subsection 1(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.

(3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.

(4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

7 Requirements for storing general waste in waste containers

(1) The occupier of premises must—

(a) store general waste produced as a result of the ordinary use or occupation of the premises in—

(i) a standard general waste container; or

(ii) if another type of waste container is prescribed by subordinate local law—the other type of container; and

(b) keep each waste container clean and in good repair; and

(c) ensure that each waste container is securely covered, except when the waste is being placed in, or removed from, the container or the container is being

cleaned.

Maximum penalty – 20 penalty units.

(2) A person must not —

(a) place any of the following in a waste container—

(i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container; or

(ii) material that is smouldering or aflame; or

(iii) matter or a thing that is alive; or

(iv) a thing stated in a subordinate local law; or

(b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or

(c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or

(d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty — 20 penalty units.

(3) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection 2(a).

Maximum penalty — 20 penalty units.

(4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

8 General requirements for keeping waste containers at serviced premises

(1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

(a) if the local government requires the container to be kept at a particular place at the premises—at the place (the ***waste container storage place***); or

Examples of ways the local government may require waste containers to be kept at a particular place—

by a resolution of the local government or a development approval for the premises

(b) if a subordinate local law requires the container to be kept at a particular place at the premises—at the place (also a ***waste container storage place***); or

(c) if paragraphs (a) and (b) do not apply—at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

(2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—

(a) the local government has arranged to collect waste from the container at the place; and

(b) the container is in the place for no longer than—

(i) the period, if any, allowed under a local law of the local government; or

(ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

(3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3) — 20 penalty units.

(4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

9 Other requirements for storing general waste at particular serviced premises

(1) This section applies to any of the following persons (each a ***prescribed person)*** for serviced premises, other than a single detached dwelling—

(a) the owner or occupier of the premises;

(b) if a prescribed ERA is carried out at the premises — the holder of the environmental authority for the prescribed ERA.

(2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—

(a) If required by the local government - each of the following—

(i) either—

(A) an elevated stand at a level required by the local government for holding all waste containers; or

(B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;

(ii) a hose cock and hose in the vicinity of the stand or paved area;

(iii) a suitable enclosure for the area where the waste containers are kept; and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —

by a resolution of the local government or a development approval for the premises

(b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2) — 20 penalty units

.

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

(1) This section applies where the local government has arranged for the removal of general waste produced at a premises.

(2) The local government may give the occupier of the premises a written notice stating—

(a) the days (each a ***scheduled collection day)*** on which the waste is to be collected; and

(b) the location ***(collection location)*** where the waste container is to be placed for collection of the waste ; and

(c) the time by which the waste container is to be placed in the collection location for collection of the waste; and

(d) the time by which the waste container is to be removed from the collection location.

11 Depositing or disposal of general waste from premises other than serviced premises

(1) This section applies if general waste is produced at a premises, other than serviced premises.

(2) The local government may—

(a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and

(b) impose conditions on the approval, including, for example, conditions about—

(i) the place for depositing or disposing of the waste; or

(ii) the method of depositing or disposing of the waste.

(3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—

(a) at a waste facility in accordance with part 3; or

(b) in accordance with—

(i) an approval under subsection (2) for disposal of the waste; and

(ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

(1) ~~A~~ An occupier of premises where there is industrial waste must—

(a) if required by the local government—

(i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and

(ii) keep the waste containers at the particular place at the premises required by the local government; and

(iii) keep each waste container clean and in good repair; and

Examples of ways the local government may require compliance with subsection 1(a)—

by a resolution of the local government or a development approval for the premises

(b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following—

(i) the supply at the premises of industrial waste containers for storing the waste at the premises;

(ii) keeping the waste containers at a particular place at the premises;

(iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

(2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—

(a) required by the local government under subsection (1)(a); or

(b) prescribed by subordinate local law under subsection (1)(b).

(3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

(a) if required by the local government, treat the waste to a standard approved by the local government—

(i) for disposal of the waste at a waste facility; or

(ii) for transport to, and disposal of the waste at, a waste facility; and

Examples of ways the local government may require an occupier to treat industrial waste for disposal—

by a resolution of the local government or a development approval for the premises

(b) comply with requirements, as prescribed by subordinate local law, about the treatment of industrial waste—

(i) for disposal of the waste at a waste facility; and

(ii) for transport to, and disposal of the waste at, a waste facility.

Maximum penalty — 40 penalty units.

Part 3 Waste receival and disposal

14 Unlawful disposal of waste at waste facility

(1) A person must not deposit the following waste at a waste facility—

(a) liquid or semiliquid waste;

(b) hot ash;

(c) material that is smouldering or aflame;

(d) material that can spontaneously combust;

(e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;

(f) an explosive;

(g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;

(h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

(2) Subsection (1) does not apply to waste deposited with the consent of—

(a) the person who—

(i) is the registered suitable operator for the facility; or

(ii) holds an environmental authority for the facility; or

(b) the person in charge of the facility.

15 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

(a) under an environmental authority; or

(b) under a development condition of a development approval; or

(c) under the Fire ~~and Emergency~~ Services Act 1990.

Maximum penalty — 20 penalty units.

16 Restrictions on use of waste facility

(1) A person must not, without the consent of a waste facility's owner or operator—

(a) enter the facility other than to deposit waste; or

(b) remain on the facility after depositing waste; or

(c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

(2) Subsection (1) does not apply to—

(a) the facility's owner or operator; or

(b) an authorised person; or

(c) a person who acquires from a waste facility, with the consent of the local government—

(i) recyclable waste, for example, mulch or green waste; or

(ii) 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a "tip shop".

17 Person to comply with directions and give information

(1) This section applies to a person who transports waste to a waste facility.

(2) The person must—

(a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by a facility person; and

(b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by—

(i) the person in charge of the facility; or

(ii) a facility person; and

(c) if asked by a facility person — give information to the facility person about the type and amount of waste being delivered to the facility; and

(d) if asked by a facility person — give information to the facility person that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty – 10 penalty units.

(3) In this section, for a waste facility, facility person means each of the following—

(a) the operator of the waste facility;

(b) the owner of the waste facility;

(c) the local government.

18 Designated area

(1) A person must not place or leave any waste on land other than at a waste facility approved for that purpose in the area designated for that particular type of waste.

Maximum penalty—30 penalty units.

Part 4 Subordinate local laws

~~18~~19 Subordinate local laws

The local government may, by subordinate local law, specify—

(a) a thing that is specified to be waste pursuant to the Schedule (Dictionary) of this local law; and

(b) requirements about the necessity to supply standard general waste containers at premises under section 6(1)(a); and

(c) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises under section 6(1)(b); and

(d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises under section 7(1); and

(e) a thing that a person must not place in a waste container under section 7(2); and

(f) requirements about the keeping of the waste container supplied for premises at a particular place at the premises under section 8(1)(b); and

(g) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers under section 9(2)(b); and

(h) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other requirements about waste containers for the storage of industrial waste under section 12(1)(b); and

(i) requirements about the treatment of industrial waste under section 13(b); and

(j) waste that a person must not deposit at a waste facility under section ~~14~~15(1).

Part 5 Transitional provisions

~~19~~20 Continuation of ~~chapter 5A~~ chapter 6 requirements

(1) This section applies if a provision of the *Environmental Protection Regulation ~~2008~~2019*, chapter ~~5A~~ 6 (Waste management by local governments), is replaced by a provision of this local law.

(2) In this section, ***prescribed provision*** means a provision of *Environmental Protection Regulation ~~2008~~2019*, chapter ~~5A~~6 (Waste management by local governments) which is replaced by a provision of this local law.

(3) If the local government has made a requirement under a prescribed provision prior to the commencement of this local law, the requirement applies for the provision of this local law which replaced the prescribed provision from the commencement of this local law.

Example—

The local government may require that a waste container supplied for serviced premises be kept at a particular place at the premises by development approval for the premises under *Environmental Protection Regulation ~~2008~~2019*, section ~~81ZH(1)~~102. *Environmental Protection Regulation ~~2008~~2019*, section ~~81ZH(1)~~102 is a prescribed provision which is replaced by section 8 (General requirements for keeping waste containers at serviced premises). A requirement under the prescribed provision made prior to the commencement of this local law would apply for section 8 of this local law from the commencement of this local law.

Schedule Dictionary

section 3

authorised person means a person appointed by the chief executive officer of the local government, pursuant to *Local Government Act 2009*, section 202, to exercise the powers of an authorised person under this local law.

collection location means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

(a) a hotel, motel, caravan park, café, food store or canteen;

(b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;

(c) premises where a sport or game is ordinarily played in public;

(d) an exhibition ground, show ground or racecourse;

(e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the Planning Act 2016.

domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

domestic premises means any of the following types of premises

(a) a single unit private dwelling;

(b) premises containing 2 or more separate flats, apartments or other dwelling units;

(c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

environmental authority has the meaning given in the Environmental Protection Act 1994.

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

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

general waste means—

(a) waste other than regulated waste; and

(b) for part 2, any of the following—

(i) commercial waste;

(ii) domestic waste;

(iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

(a) interceptor waster; or

(b) Waste other than the following—

(i) commercial waste;

(ii) domestic clean-up waste;

(iii) domestic waste;

(iv) green waste;

(v) recyclable interceptor waste;

(vi) recyclable waste;

(vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste as premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids.

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

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

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.

premises includes domestic premises, government premises, industrial premises and commercial premises.

prescribed ERA has the meaning given in the Environmental Protection Act 1994.

prescribed person see section 9(1).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans, and green waste

regulated waste has the meaning given in the Environmental Protection Regulation ~~2008~~2019.

scheduled collection day see section 10(2).

serviced premises means—

(a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under —

(i) Waste Reduction and Recycling Regulation 2023~~2011, section 7~~;
or

(ii) Section 5 above; and

(b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

standard general waste container—

(a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and

(b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—

(i) 1 or more or multiple types of commercial waste; or

(ii) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

waste, has the meaning given in the *Waste Reduction and Recycling Act 2011*~~*Environmental Protection Act 1994*~~, and includes any thing that is specified to be waste under a subordinate local law.

waste container storage place see section 8(1) above.

waste facility—

(a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and

(b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local

government is the lessee, occupier, operator or owner of the facility.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 8 (Waste Management) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

Subordinate Local Law No. 2 (Animal Management) 2011

Contents

Part 1 Preliminary 3

1 Short title 3
2 Purpose and how it is to be achieved 3
3 Authorising local law 3
4 Definitions 3

Part 2 Keeping of animals 3

5 Circumstances in which keeping animals prohibited-Authorising local law, s 5(1) 3
6 Circumstances in which keeping animals requires approval-Authorising local law, s 6(1) 4
7 Animals that must be desexed-Authorising local law, s 7 4
7A What registration form must state -Authorising local Law, s7C 4
7B Local government must give registration notice -Authorising local Law, s7E(3) 4
7C Local government must give renewal notice - Authorising local Law, s7H(3) ... 5
8 Minimum standards for keeping animals-Authorising local law, s 8(1) 5
9 Identification for dogs in certain circumstances-Authorising local law, s 9 5

Part 3 Control of animals 5

10 Public places where animals are prohibited-Authorising local law, s 10(1) 5
11 Dog off-leash areas-Authorising local law, s 11(1) 5
12 Animal faeces in public places-Authorising local law, s 13 6
13 Requirements for proper enclosures for keeping animals-Authorising local law, s14(2) 6
14 Koala conservation-Authorising local law, s 15 6
15 Criteria for declared dangerous animals-Authorising local law, s 19(1) 6

Part 4 Seizure, impounding or destruction of animals 6

16 Place of care for impounded animals-Authorising local law, s 24 6
17 Animals that may be disposed of without auction or tender-Authorising local law, s 32(1)(b) 6
18 Register of impounded animals-Authorising local law, s 33(3) 6

Part 5 Appeals against destruction orders 7

Part 6 Miscellaneous 7

19 Conditions regarding sale of animals-Authorising local law, s 42(1) 7
20 Animals excluded from application of the local law-Authorising local law, schedule 7
21 Species that are declared dangerous animals-Authorising local law, schedule?
22 Prescribed period for reclaiming animals-Authorising local law, schedule 7

Schedule 1 Prohibition on keeping animals 8
Schedule 2 Requirement for approval to keep animal 11
Schedule 3 Requirement to desex animal 12
Schedule 4 Minimum standards for keeping animals generally 13
Schedule 5 Minimum standards for keeping particular animals 15
Schedule 6 Prohibition of animals in public places 18
Schedule 7 Dog off-leash areas 19
Schedule 8 Requirements for proper enclosures for animals 20
Schedule 9 Requirements for keeping a dog in a koala area 22
Schedule 10 Koala areas 23
Schedule 11 Criteria for declared dangerous animals 24
Schedule 12 Conditions for sale of animals 25
Schedule 13 Designated town area 26
Schedule 14 Dictionary 36

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2011.*

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2011,* which provides for regulation of the keeping and control of animals within the local government's area.

(2) The purpose is to be achieved by providing for-

(a) the circumstances in which the keeping of animals is prohibited or requires approval; and

(b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and

(c) the control of animals in public places; and

(d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and

(e) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale; and

(f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2011* (the ***authorising local law).***

4 Definitions

(1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

(2) The dictionary in schedule 14 defines particular words used in this subordinate local law.

Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited - Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval - Authorising local law, s 6(1)

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

7 Animals that must be desexed - Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

7A What registration form must state - Authorising local Law, s7C

(1) For section 7C of the authorising local law, a registration form for the registration of a cat must-

(a) be in the prescribed form; and

(b) state all of the following information about the owner of the cat-

(i) name;

(ii) residential address;

(iii) contact telephone number;

(iv) email address, if any; and

(c) state all of the following information about the cat-

(i) age;

(ii) breed;

(iii) colour;

(iv) sex;

(v) any other noticeable distinguishing features or marks;

(vi) address;

(vii) if it is desexed-that it is desexed.

(2) In this section, the ***address*** for a cat is the address of the place where the cat is usually kept or proposed to be kept.

7B Local government must give registration notice - Authorising local Law, s7E(3)

For section 7E(3) of the authorising local law, a registration notice must-

(a) be given to the owner within 14 days after the cat is registered by the local government; and

(b) state-

(i) the information, for the owner and the cat, required to be given under sections 7C and 7D(2) of the authorising local law; and

(ii) the period of the registration.

7C Local government must give renewal notice - Authorising local Law, s7H(3)

For section 7H(3) of the authorising local law, a renewal notice must-

(a) be given at least 14 days before the period of registration for the cat expires; and

(b) state-

(i) the information, for the owner and the cat, stated in the register of cats maintained by the local government; and

(ii) the period of renewal of registration; and

(iii) that the owner must, within 7 days, give the local government notice of any change to the information.

8 Minimum standards for keeping animals - Authorising local law, s 8(1)

(1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.

(2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

9 Identification for dogs in certain circumstances - Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is the registration device mentioned in section ~~12(3)~~ 12(2) of the *Animal Management (Cats and Dogs) Act 2008*.

Part 3 Control of animals

10 Public places where animals are prohibited - Authorising local law, s 10(1)

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

11 Dog off-leash areas - Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the areas described in schedule 7 are

designated as dog off-leash areas.

12 Animal faeces in public places - Authorising local law, s 13

For section 13 of the authorising local law, no other species of animal is prescribed as an animal whose faeces must be removed from a public place and disposed of in a sanitary way.

13 Requirements for proper enclosures for keeping animals - Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Koala conservation - Authorising local law, s 15

(1) For section 15(1) of the authorising local law, schedule 9 sets out the requirements for keeping a dog on land that is within a koala area.

(2) For section 15(4) of the authorising local law, each area described in schedule 10 is designated as a koala area.

15 Criteria for declared dangerous animals - Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 11.

Part 4 Seizure, impounding or destruction of animals

16 Place of care for impounded animals - Authorising local law, s 24

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government.

17 Animals that may be disposed of without auction or tender - Authorising local law, s 32(1)(b)

For section 32(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following-

(a) dogs; and

(b) cats; and

(c) other small domestic animals.

18 Register of impounded animals - Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Appeals against destruction orders

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 6 Miscellaneous

19 Conditions regarding sale of animals - Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 12 must comply with the conditions set out in column 2 of schedule 12.

20 Animals excluded from application of the local law - Authorising local law, schedule

For the purposes of the definition of ***"animal"*** in the schedule to the authorising local law, animals of the fish species are excluded from the application of the authorising local law.

21 Species that are declared dangerous animals - Authorising local law, schedule

For the purposes of the definition of ***"declared dangerous animal"*** in the schedule to the authorising local law, no species of animal is declared to be a declared dangerous animal.

22 Prescribed period for reclaiming animals - Authorising local law, schedule

For the purposes of the definition of ***"prescribed period"*** in the schedule to the authorising local law, the period within which an animal may be reclaimed is-

(a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal-5 days; and

(b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal-3 days.

Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	(a) More than 4 dogs (other than working dogs) over the age of 3 months on an allotment with an area less than 2,500m^2. *Note-* *An approval is required to keep more than 2 dogs (other than working dogs) over the age of 3 months on an allotment with an area less than 2,500m^2-see schedule 2, item 2(a).* (b) More than 4 dogs (other than working dogs) over the age of 3 months on an allotment with an area between 2,500m^2 and 4,000m^2. *Note-* *An approval is required to keep more than 3 dogs (other than working dogs) over the age of 3 months on an allotment with an area between 2,500m^2 and 4,000m^2- see schedule 2, item 2(b).* (c) More than 4 dogs (other than working dogs) over the age of 3 months on an allotment with an area between 4,001m^2 and 40,000m^2. (d) More than 5 dogs (other than working dogs) over the age of 3 months on an allotment with an area more than 40,000m^2. (e) More than 2 dogs over the age of 3 months on multi-residential premises. *Note-* *An approval is required to keep more than 1 dog over the age of 3 months on multi-residential premises - see schedule 2, item 2(c).* (f) Any of the following breeds anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentina; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.
2	Cat	(a) More than 2 cats over the age of 3 months on an allotment in a designated town area. (b) More than 1 cat over the age of 3 months on multi- residential premises.

3	Horse or cow	(a) An animal to which this item 3 applies on an allotment in a designated town area with an area less than 4000 m^2. (b) A density of animals to which this item 3 applies on an allotment in a designated town area that is greater than 1 animal per 4000 m^2.
4	Donkey, stallion or bull	An animal to which this item 4 applies on premises in a designated town area.
5	Sheep, goat, alpaca or llama	(a) An animal to which this item 5 applies on an allotment in a designated town area with an area less than 4000m^2. (b) A density of animals to which this item 5 applies on an allotment in a designated town area that is greater than 1 animal per 1000m^2.
6	Peacock, rooster or guinea fowl	A bird to which this item 6 applies on premises in a designated town area.
7	Pig	A pig on premises in a designated town area.
8	Poultry (other than a rooster) duck or goose	A bird to which this item 8 applies on an allotment in a designated town area with an area less than 500m^2.
9	Bees	A hive on an allotment in a designated town area with an area less than ~~4000m²~~ 500m2.
10	Budgerigar, canary or other bird of a similar size	More than 20 birds to which this item 10 applies on an allotment in a designated town area.
11	Racing pigeons	More than 20 racing pigeons on an allotment in a designated town area.

A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises in circumstances as follows-

(a) if the animal or animals is an animal other than a dog-

(i) the animal or animals were kept on the premises before the commencement of the authorising local law; and

(ii) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law;

(b) if the animal or animals is a dog-

(i) the animal or animals were kept on the premises before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 2) 2019;*

and

(ii) the keeping of the animal or animals on the premises immediately before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 2) 2019* did not contravene any provision of the authorising local law.

Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval[1]
1	Poultry (other than a rooster), duck or goose	More than 10 birds to which this item 1 applies on an allotment in a designated town area.
2.	Dog	(a) More than 2 dogs (other than working dogs) over the age of 3 months on an allotment with an area less than 2,500m^2. *Note-* *Keeping more than 4 dogs (other than working dogs) over the age of 3 months on an allotment with an area less than 2,500m^2 is prohibited - see schedule 1, item 1(a).* (b) More than 3 dogs (other than working dogs) over the age of 3 months on an allotment with an area between 2,500m^2 and 4,000m^2. *Note-* *Keeping more than 4 dogs (other than working dogs) over the age of 3 months on an allotment with an area between 2,500m^2 and 4,000m^2 is prohibited - see schedule 1, item 1 (b).* (c) More than 1 dog over the age of 3 months on multi-residential premises. *Note-* *Keeping more than 2 dogs over the age of 3 months on multi-residential premises is prohibited-see schedule 1, item 1(e).*

3.	Bees	(a) More than 2 hives on an allotment with an area of 500–1,000m²; (b) More than 5 hives on an allotment with an area of 1,000–2,000m²; (c) More than 10 hives on an allotment with an area of 2,000–4,000m²

[1] See *Local Law No. 1 (Administration) 2011* and *Subordinate Local Law No.1~~.5~~ (Administration) ~~2011~~ 2026* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
	No species or breed of animal mentioned		

Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

(1) A person who keeps an animal on premises must -

(a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and

(b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and

(c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and

(d) ensure that any enclosure in which the animal is kept is properly maintained in-

(i) a clean and sanitary condition; and

(ii) an aesthetically acceptable condition; and

(e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of-

(i) adjoining premises; or

(ii) premises in the vicinity of the land on which the animal is ordinarily kept; and

(f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and

(g) ensure that the keeping of the animal on the premises does not cause an animal noise nuisance; and

(h) if the animal is a dog and the dog is required to be registered by the person in the local government area of the local government - comply with section 46 of the Animal Management Act to register the dog in the local government area as required by section 44 of the Animal Management Act.

2. For the purposes of section l(g), the keeping of an animal on premises causes an animal noise nuisance if-

(a) the animal makes a noise which

(i) occurs more than once; and

(ii) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises; or

Example for section 2(a)(ii)-

The barking of a dog which disrupts a person -

(a) holding a conversation; or

(b) watching television; or

(c) listening to a radio or recorded material; or

(d) sleeping.

In order for an animal noise nuisance to occur, it is not necessary that the degree of interference from the barking is such as to be continuous, or to make it practically impossible to-

(a) hold a conversation; or

(b) watch television; or

(c) listen to a radio or recorded material at ordinary volumes; or

(d) fall or stay asleep.

Any occurrence by which a person is woken from sleep, or by which a person is distracted or annoyed during the course of carrying out some other ordinary activity, in a way which would not occur in the absence of the dog barking, is a disruption to or an inhibition of an activity ordinarily carried out on residential premises. It is not necessary that the barking totally drowns out the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from this sound by the barking of the dog. It is not necessary that it be a repeated or ongoing interruption of sleep or that it be the total shattering of sleep.

(b) the animal makes a noise that is excessive in all the circumstances, and an animal makes a noise that is excessive in all the circumstances if-

(i) the noise is made for more than a total of 6 minutes in any hour from 7.00am to 10.00pm on any day; or

(ii) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 10.00pm or before 7.00am.

Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Greyhound	Each owner of, and responsible person for, a greyhound must ensure that the dog is kept- (a) without nuisance; and (b) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland-in accordance with the requirements of the code of practice.
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, pig and other animals of a similar size	Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of- (a) a residence on adjoining premises; or (b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Budgerigar, canary and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah and other birds of a similar size	Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that- (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept on the premises is- (i) thoroughly cleaned at least once each week; and (ii) not located less than lm from the side or rear boundaries of the premises; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local

		government-the bird is kept in accordance with the requirements of the code of practice.
4	Pigeons	Each owner of, and responsible person for, pigeons which are kept on premises must ensure that- (a) the pigeons are kept without nuisance; and (b) the pigeons contained within an enclosed cage or aviary; and (c) the pigeon's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the pigeons are kept is- (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) if a code of practice for the keeping of pigeons has been approved by the local government-the pigeons are kept in accordance with the requirements of the code of practice.
5	Bees	Each owner of, and responsible person for, bees which are kept on premises must ensure that- (a) the bees are kept without nuisance; and (b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of- (i) a residence on adjoining premises; or (ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address, hive identification number (HIN) pursuant to Sections 158 and 159 of the *Biosecurity Act 2014* (if applicable) and telephone number are readily ascertainable; and (d) if a code of practice for the keeping of bees exists ~~has been approved by the local government~~ - the bees are kept in accordance with the requirements of ~~the code of practice~~ that code of practice; and ~~(d)~~(e) All legislative and other requirements for the keeping of bees, such as registration under Biosecurity legislation are adhered to.

6	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich, emu and poultry	Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that- (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the enclosure in which the bird is kept is- (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) the enclosure in which the bird is kept is not located within a radius of 10m of- (i) a residence on adjoining premises; or (ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (f) the enclosure in which the bird is kept is not located less than 1 m from the side or rear boundaries of the premises.

Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
	No public place described.	

Schedule 7 Dog off-leash areas

Section 11

Shady's Lagoon at the Charles Street Entrance of the Adungadoo Pathway (lot 207 on plan R861).

Schedule 8 Requirements for proper enclosures for animals

Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	(1) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and ~~comfrotably~~ comfortably housing the animal. (2) The area must be suitably fenced- (a) appropriate to the species and breed of the animal to be enclosed; and (b) so as to effectively enclose the animal on the land on which it is kept at all times. (3) For the purposes of this item 1 ***suitably fenced*** means enclosed by a fence - (a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and (b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and (c) where the animal has the ability to dig - which includes a barrier installed directly below the fence to prevent the animal digging its way out; and (d) where the animal has the ability to climb - designed and constructed in such a way as to prevent the animal from climbing over the fence; and (e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.
2	Horse	(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 - (a) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and (b) where the animal is a stallion-the enclosure must be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.

Schedule 9 Requirements for keeping a dog in a koala area

Section 14(1)

No requirements prescribed.

Schedule 10 Koala areas[2]

Section 14(2)

No area designated.

[2] "Koala areas" under section 15(4) of the authorising local law comprise the areas designated **in** this schedule plus "koala habitat areas" designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.

Schedule 11 Criteria for declared dangerous animals

Section 15

There is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account-

(a) its prior history of attacking or causing fear to persons or animals or damaging property; and

(b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

Schedule 12 Conditions for sale of animals

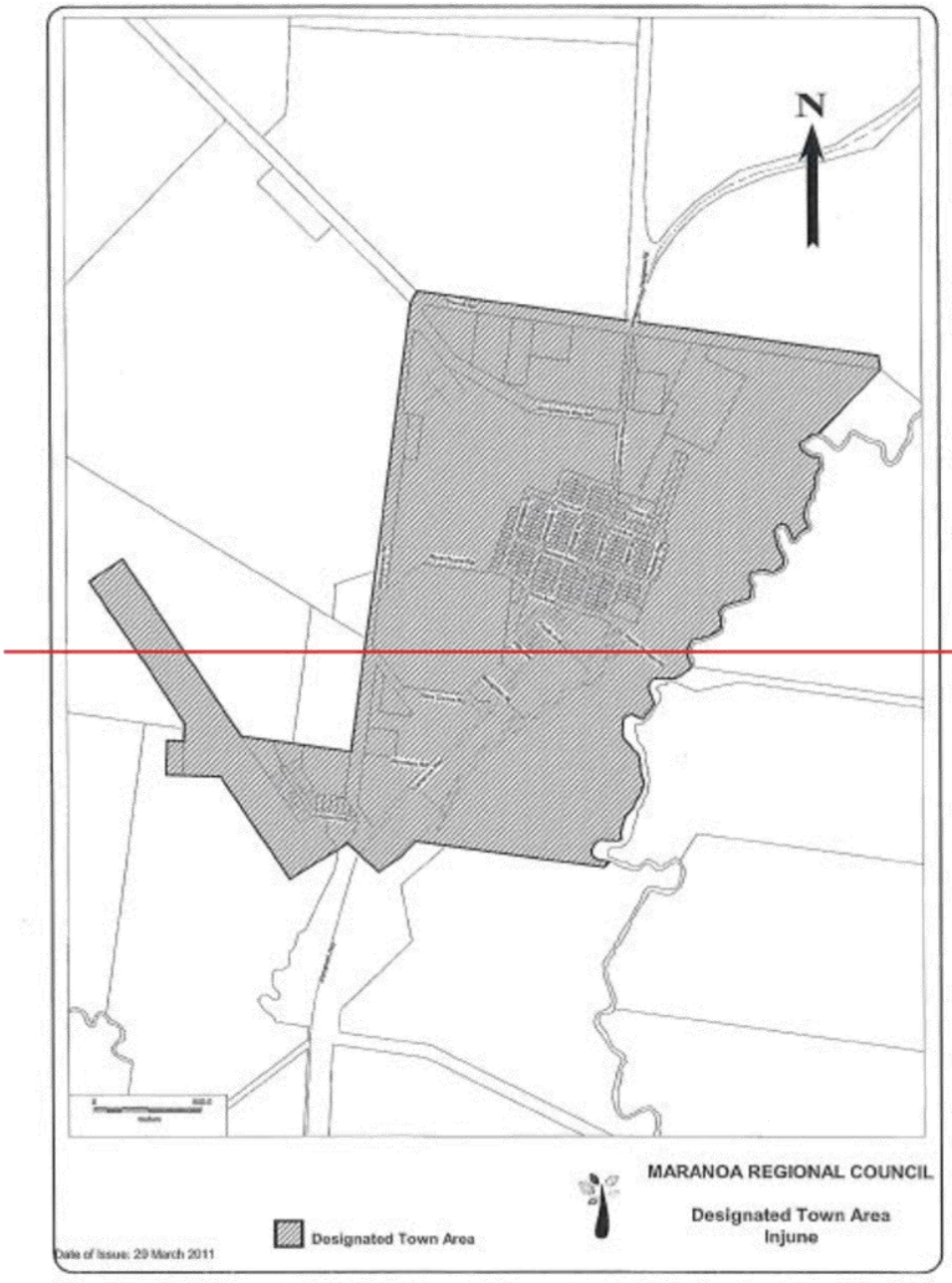
Section 19

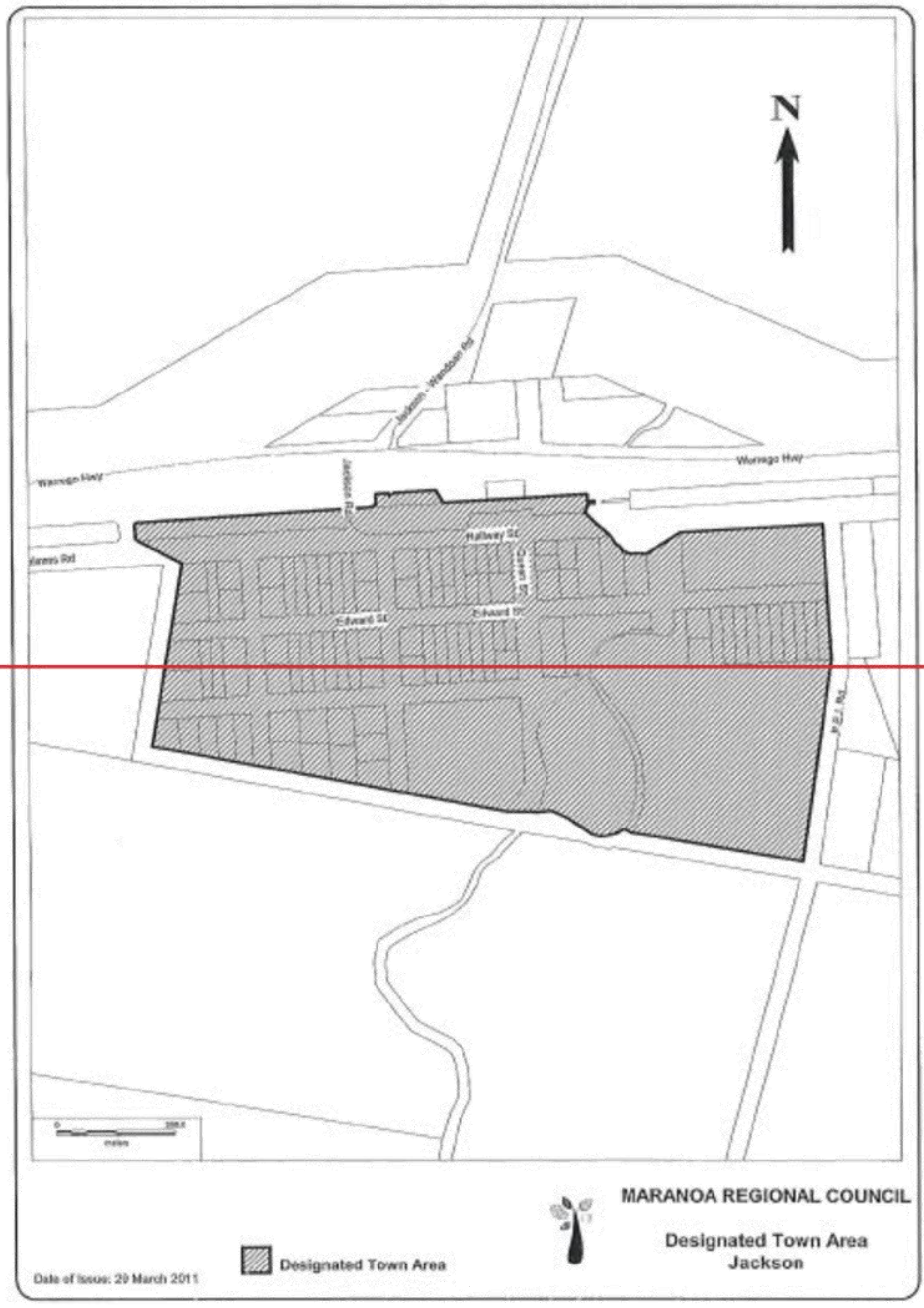
	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
	No species or breed of animal mentioned.	

Schedule 13 Designated town area

Section 4

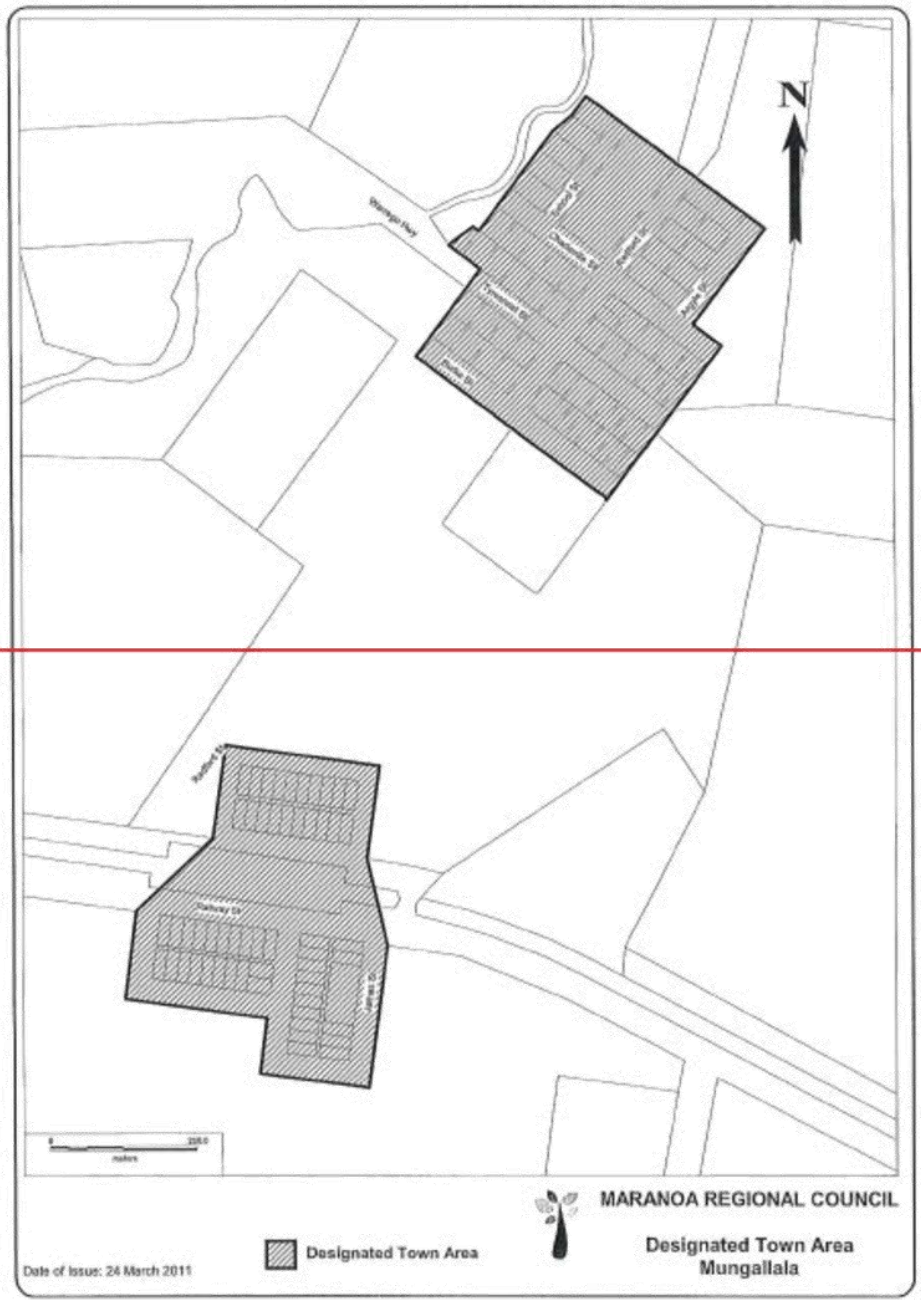



N
MARANOA REGIONAL COUNCIL
Designated Town Area
Injune
Designated Town Area
Date of Issue: 29 March 2011


N
Warrego Hwy
Railway St
Edward St
P.E.J. Rd
MARANOA REGIONAL COUNCIL
Designated Town Area
Jackson
Designated Town Area
Date of Issue: 29 March 2011


N
MARANOA REGIONAL COUNCIL
Designated Town Area
Mitchell
Designated Town Area
Date of Issue: 29 March 2011


N
MARANOA REGIONAL COUNCIL
Designated Town Area
Muckadilla
Designated Town Area
Date of Issue: 29 March 2011

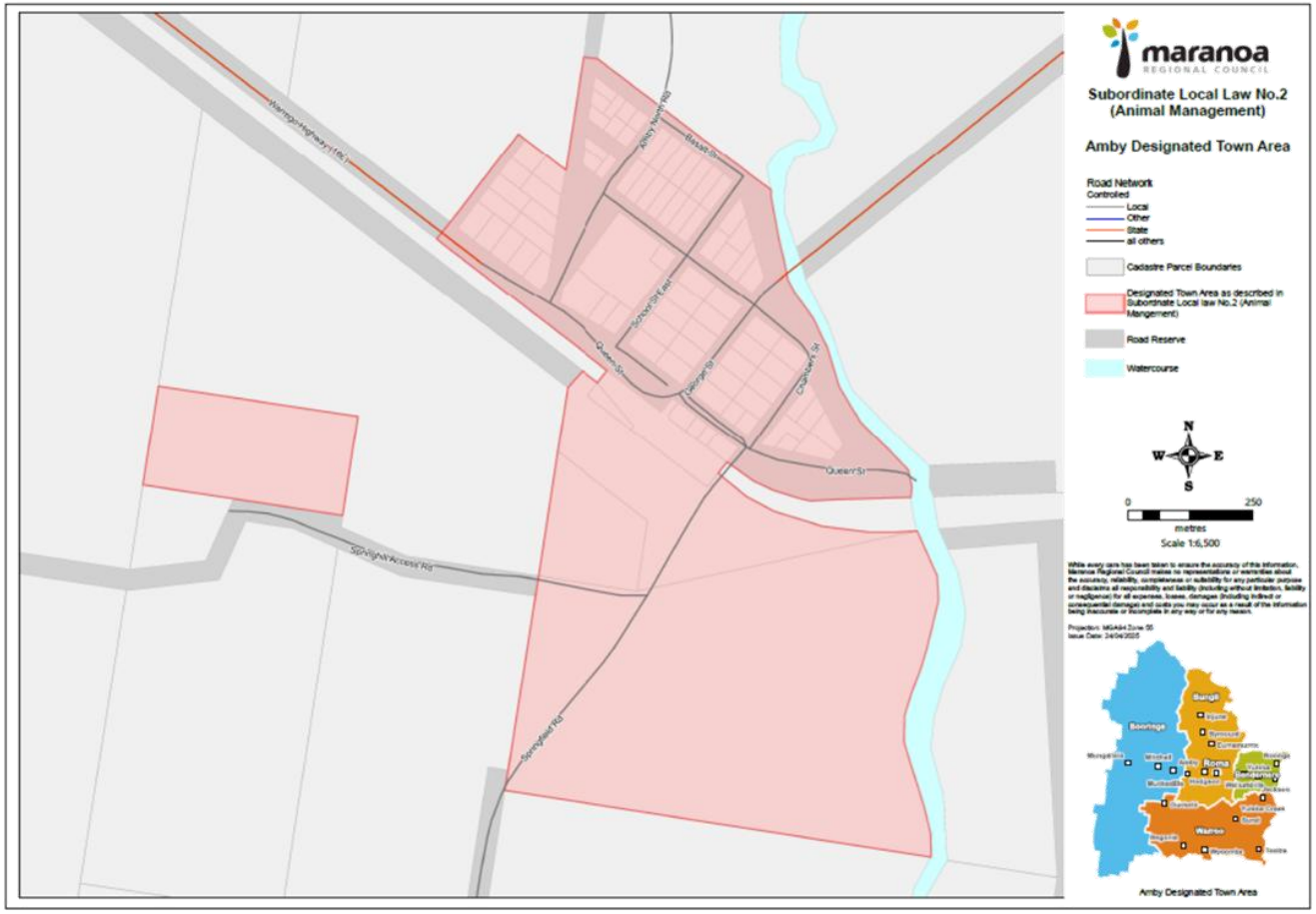

N
MARANOA REGIONAL COUNCIL
Designated Town Area
Mungallala
Designated Town Area
Date of Issue: 24 March 2011

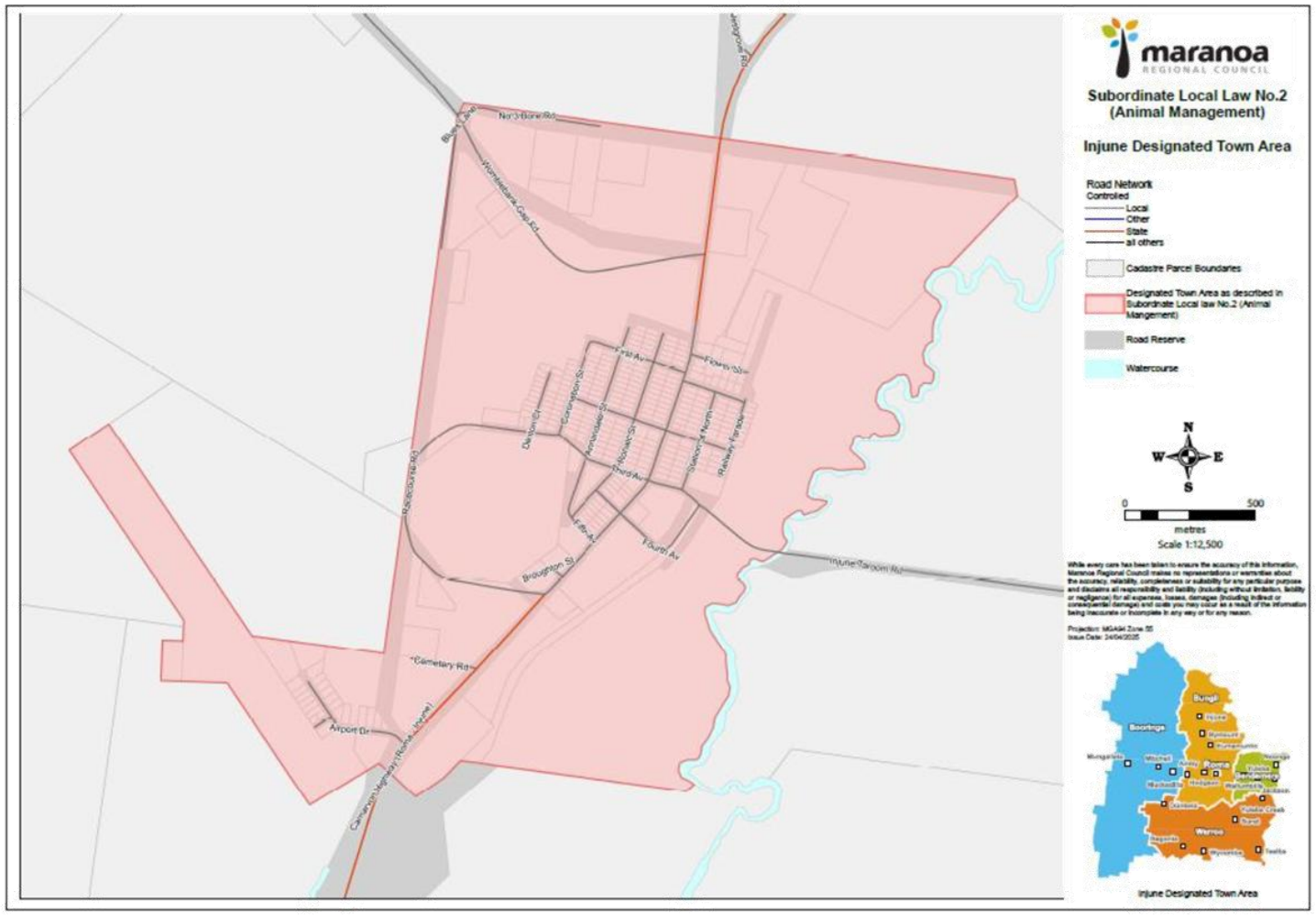

MARANOA REGIONAL COUNCIL
Designated Town Area
Roma
Designated Town Area
1,500
Kilometers
0


N
MARANOA REGIONAL COUNCIL
Designated Town Area
Surat
Designated Town Area
Date of Issue: 29 March 2011

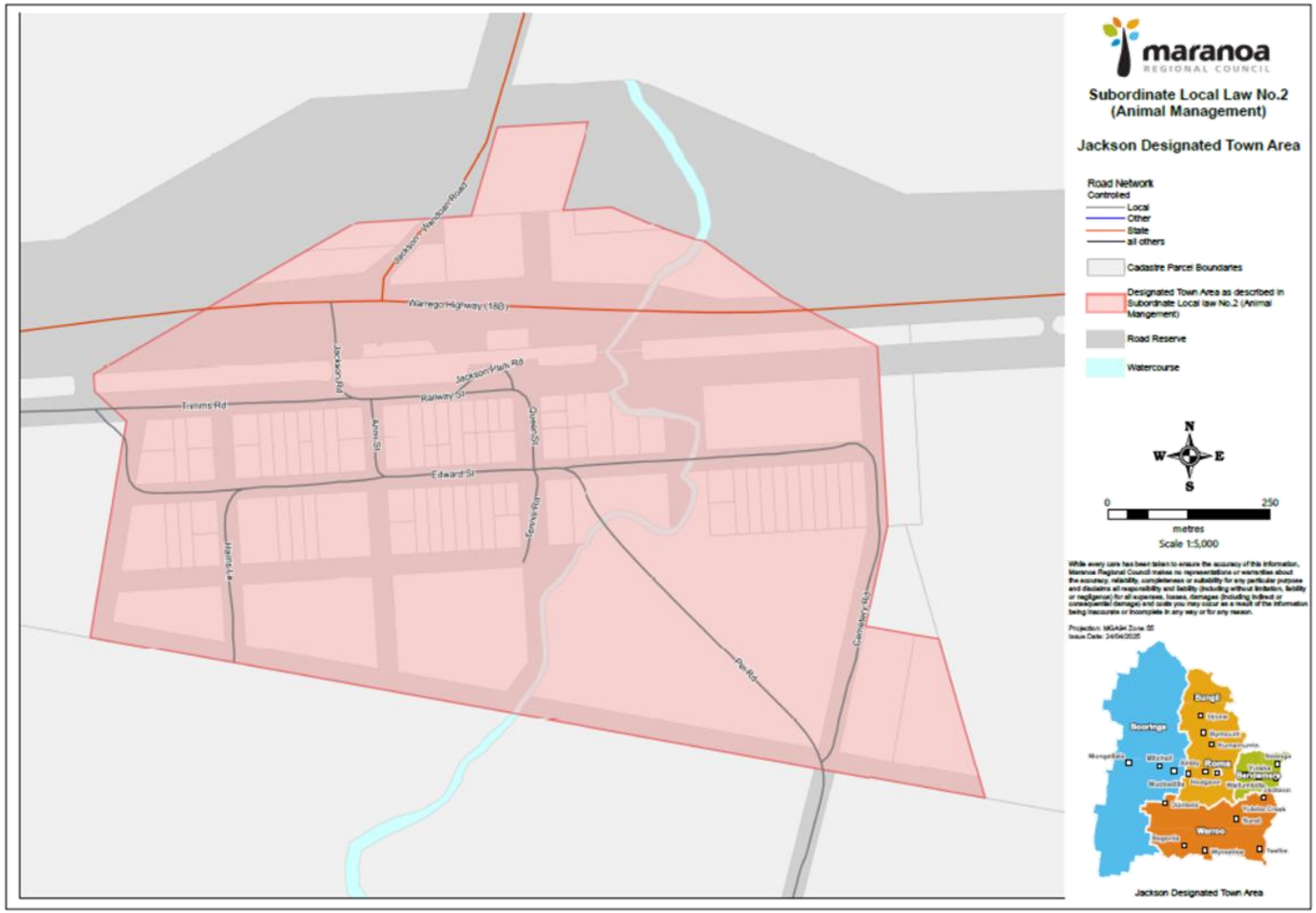

N
MARANOA REGIONAL COUNCIL
Designated Town Area
Designated Town Area
Wallumbilla
Date of Issue: 29 March 2011

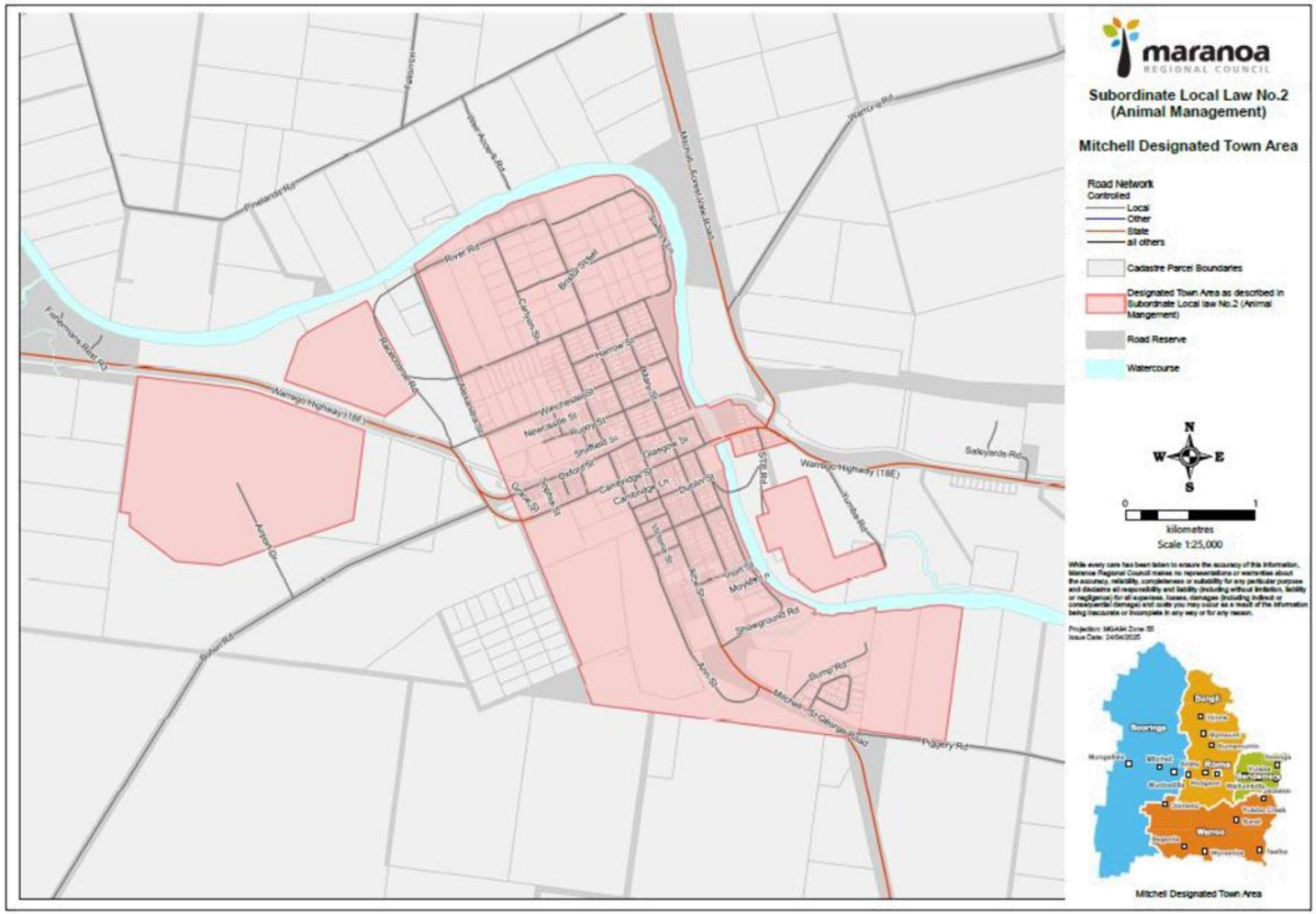

N
MARANOA REGIONAL COUNCIL
Designated Town Area
Yuleba
Designated Town Area
Date of Issue: 29 March 2011


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Amby Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
250
metres
Scale 1:6,500
Amby Designated Town Area

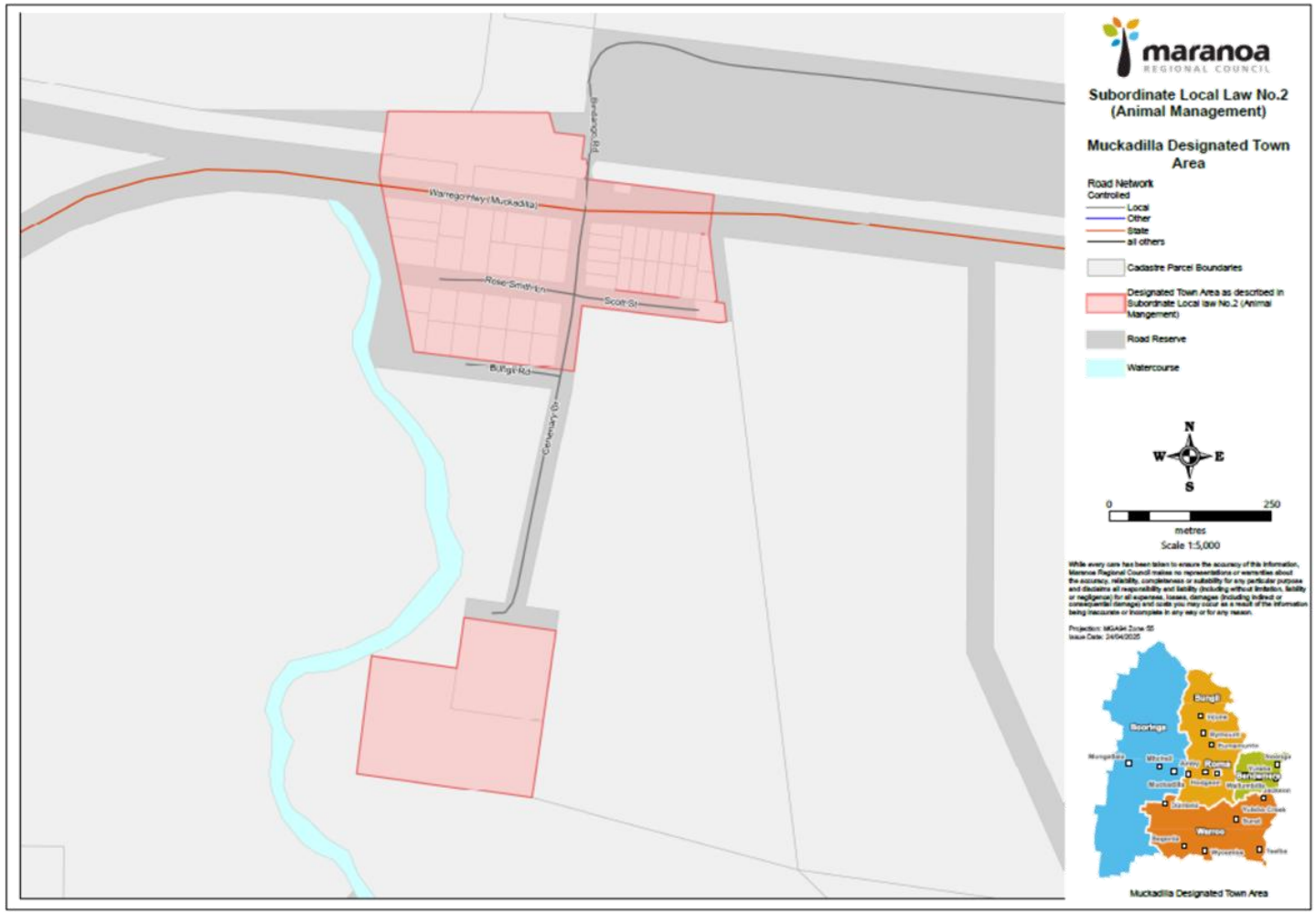

maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Injune Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
500
metres
Scale 1:12,500
Injune Designated Town Area

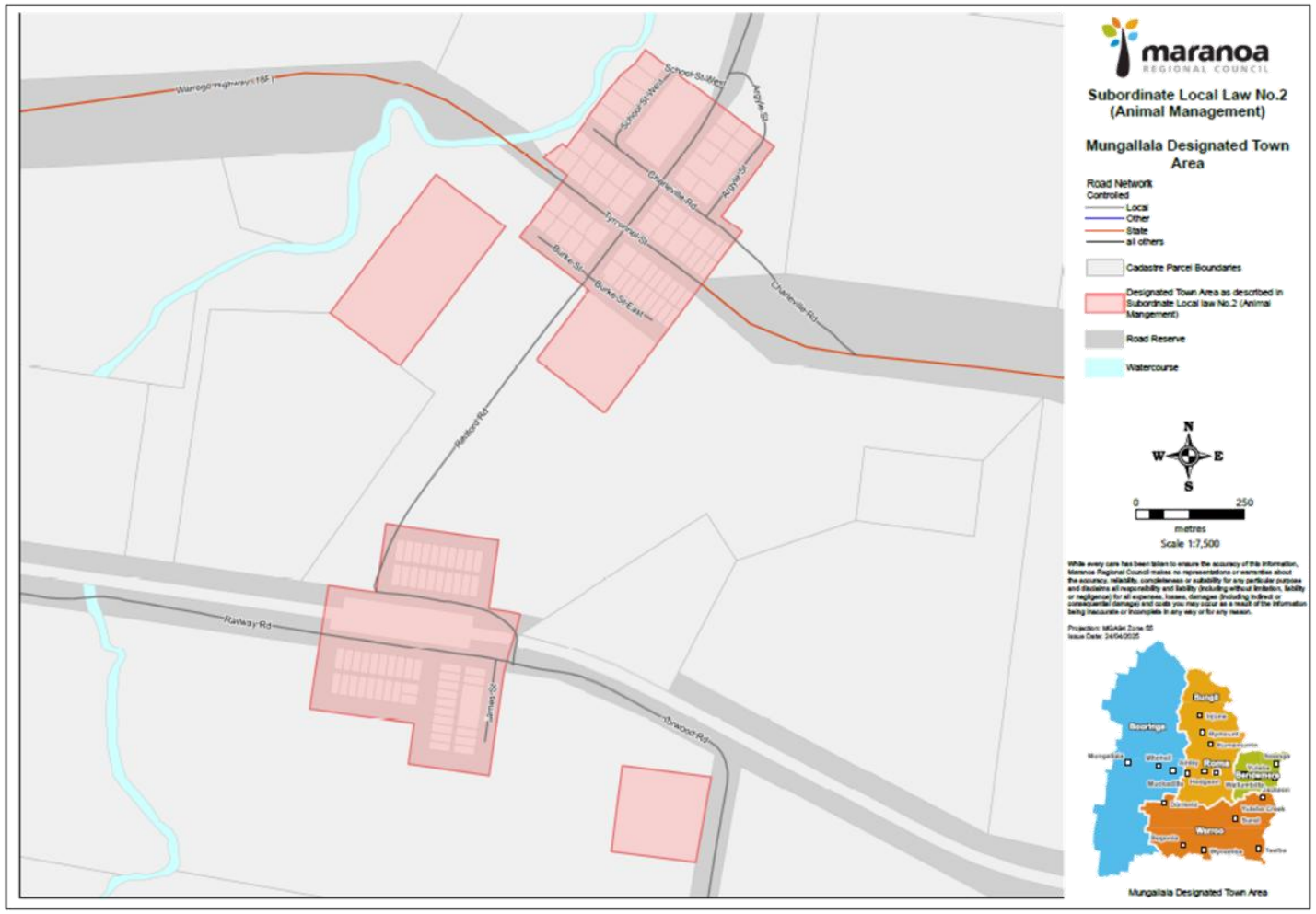
Subordinate Local Law No. 2 (Animal Management) 2011 37

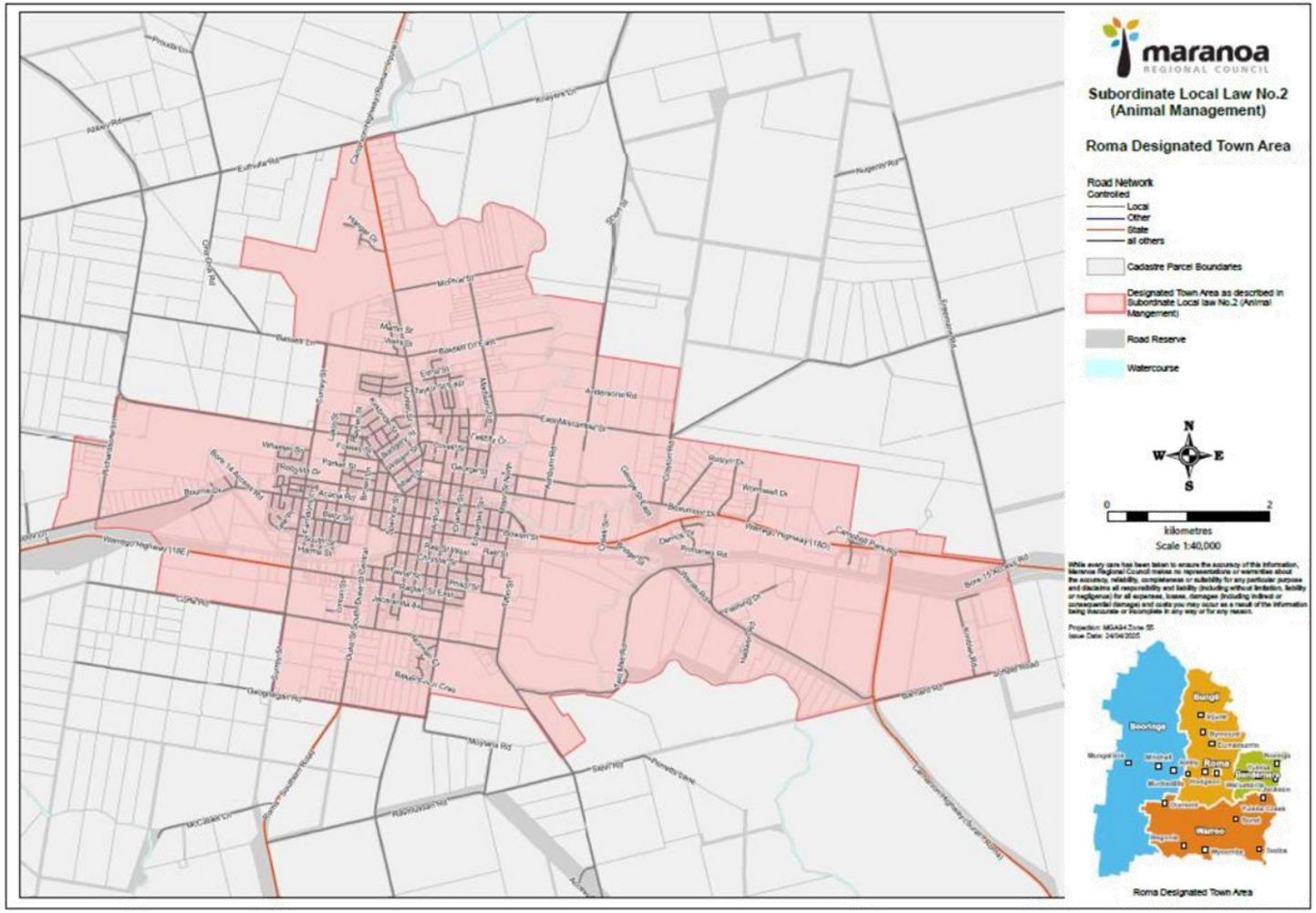


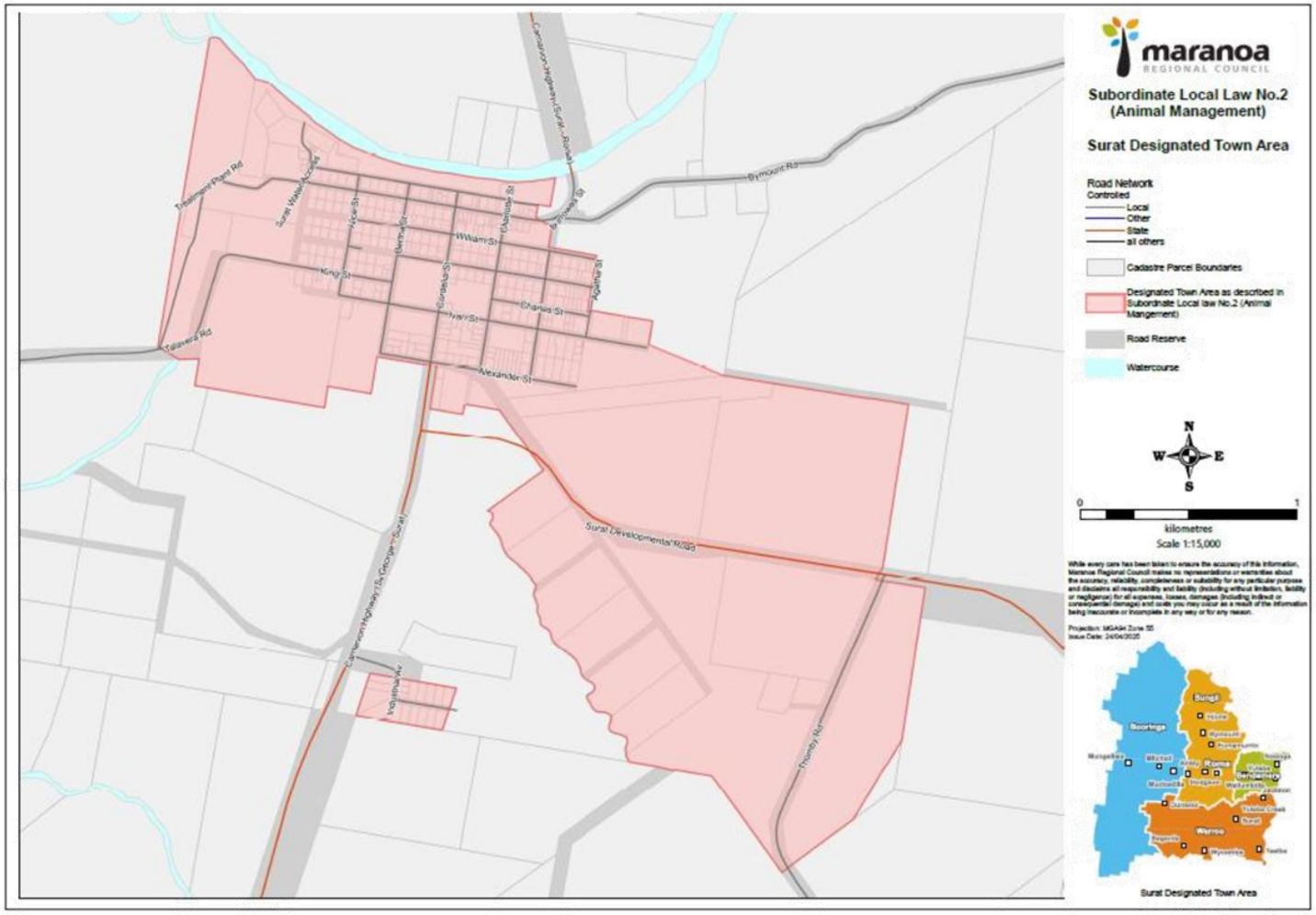

maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Mitchell Designated Town Area
Road Network
Controled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
1
kilometres
Scale 1:25,000
While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may incur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Issue Date: 24/04/2025
Mitchell Designated Town Area

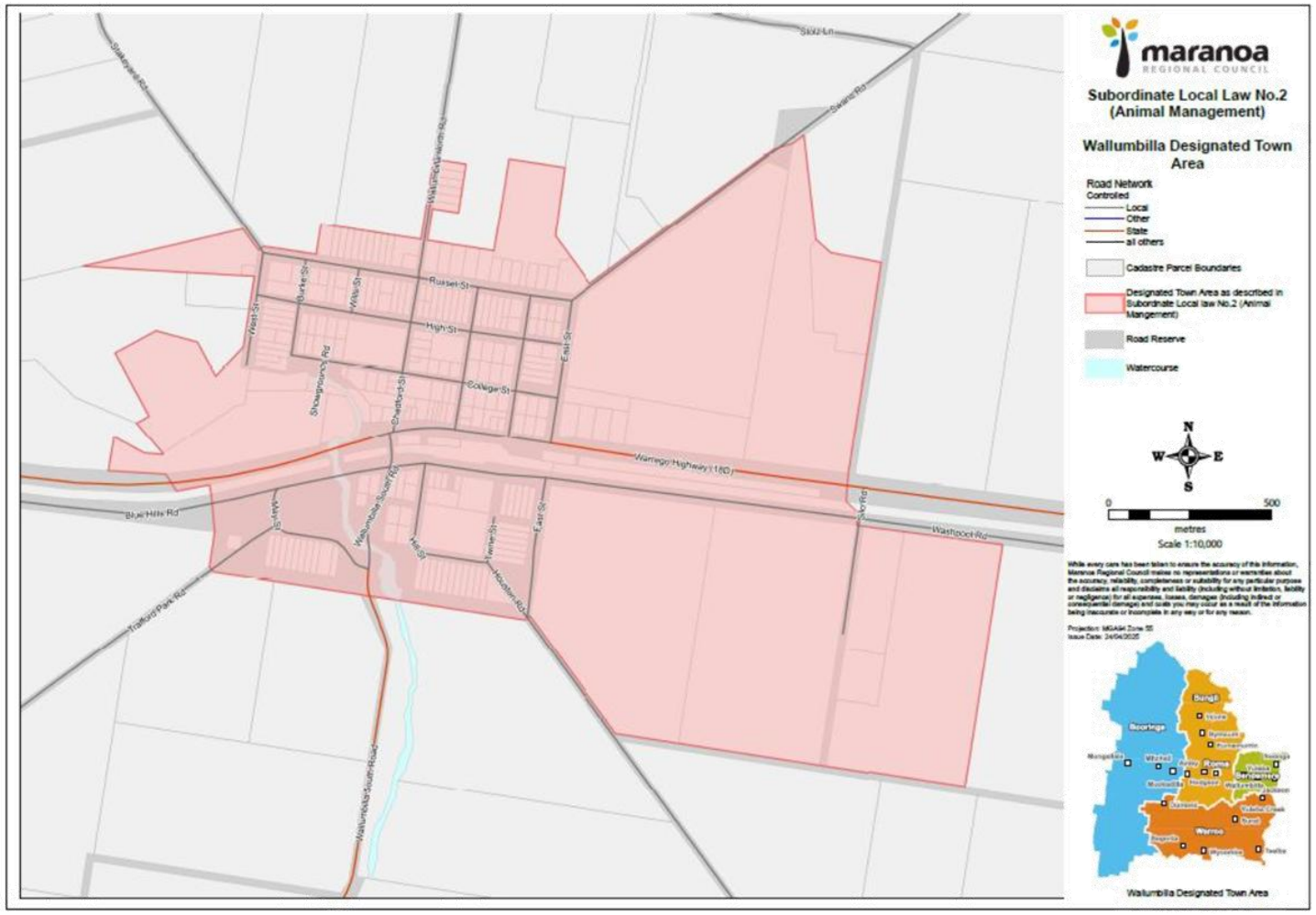
Subordinate Local Law No. 2 (Animal Management) 2011 39

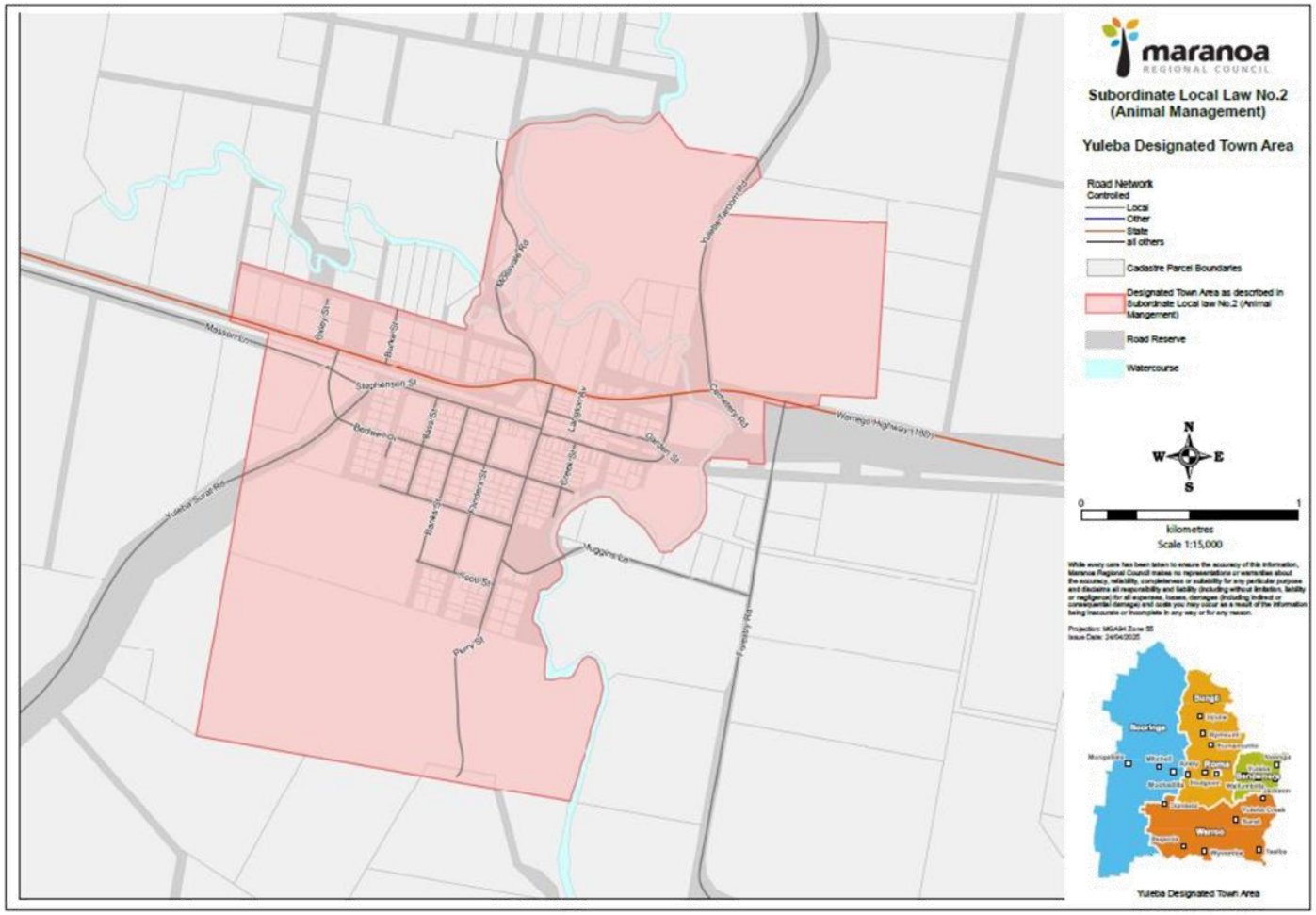



maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Mungallala Designated Town
Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
250
metres
Scale 1:7,500
Mungallala Designated Town Area
Warrego Highway
School St West
Argyle St
Charleville Rd
Tynghat St
Burke St
Burke St East
Redford Rd
Railway Rd
James St
Bracood Rd


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Roma Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
2
kilometres
Scale 1:40,000
Bungil
Roma
Warroo
Roma Designated Town Area


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Surat Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
1
kilometres
Scale 1:15,000
Surat Designated Town Area
Bymount Rd
Surat Developmental Road
Thornby Rd
Talwood Rd
Treatment Plant Rd
Surat Water Access
Alice St
Bertha St
William St
Charlotte St
King St
Victoria St
Charles St
Alexander St
Agnes St
Carnarvon Highway (To George - Surat)
Industrial Av
Bungil
Boonloga
Warroo


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Wallumbilla Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
500
metres
Scale 1:10,000
Bungil
Roma
Warroo
Wallumbilla Designated Town Area


maranoa
REGIONAL COUNCIL
Subordinate Local Law No.2
(Animal Management)
Yuleba Designated Town Area
Road Network
Controlled
Local
Other
State
all others
Cadastre Parcel Boundaries
Designated Town Area as described in Subordinate Local law No.2 (Animal Mangement)
Road Reserve
Watercourse
N
W
E
S
0
1
kilometres
Scale 1:15,000
Yuleba Designated Town Area
Stephenson St
Bedwell St
Yuleba Surat Rd
Yuleba-Taroom Rd
Warrego Highway (18D)
Cemetery Rd
Langbroek
Glover St
Jones St
Johnson St
Banks St
Bass St
Burke St
Riley St
Perry St
Scott St
Higgins Ln
Forestry Rly Siding

Schedule 14 Dictionary

Section 4

allotment means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in -

(a) the same ownership; or

(b) the same occupation.

Animal Management Act see *Animal Management (Cats and Dogs) Act 2008.*

~~***assistance dog*** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009.*~~

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

cat–

(a) has the meaning given in section 11 of the Animal Management Act; and

(b) includes a kitten regardless of age.

designated town area means an area identified by a bold line circumscribing an area hatched in black on a map in schedule 13.

destroy, an animal, includes causing it to be destroyed.

dog–

(a) has the meaning given in section 11 of the Animal Management Act; and

(b) includes a puppy regardless of age.

domestic purposes means the purposes of-

(a) human consumption; or

(b) food preparation; or

(c) washing; or

(d) other normal domestic duties.

~~***excess dogs approval*** means an approval granted by the local government to satisfy the requirement for an approval to keep dogs in the circumstances specified in schedule 2, item 2.~~

~~***guide dog*** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009.*~~

~~***handler*** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009.*~~

~~***hearing dog*** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009.*~~

horse includes a pony and a miniature horse.

identifiable animal means an animal-

(a) wearing an identifying tag issued by the local government; or

(b) otherwise identified so that the local government is able to ascertain the owner of the animal.

keep (an animal)-

(a) includes board, breed and train; and

(b) in the absence of evidence to the contrary, a person is presumed to keep an animal on

land if the person -

(i) feeds and cares for the animal on the land; and

(ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

land has the meaning given in the ~~*Sustainable Planning Act 2009*~~ *Planning Act 2016*.

multi-residential premises means -

(a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share-

(i) a common wall; or

(ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and

(b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

Examples of multi-residential premises -

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

non-residential premises means premises other than residential premises.

occupier, of premises-

(a) means the person who has the control or management of the premises; and

(b) includes the owner of the premises where there is no person in apparent occupation of the premises.

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

registered has the meaning given in the authorising local law.

residence means a building, or part of a building, that is-

(a) fixed to land; and

(b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

residential premises means premises used, or intended to be used, predominantly as a place of residence.

stallion means an uncastrated adult male horse.

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

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

working dog has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*, schedule 2.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

Subordinate Local Law No. 3 (Community and Environmental Management) 2011

Contents

Part 1 Preliminary 2

1 Short title 2
2 Purpose and how it is to be achieved 2
3 Authorising local law 2
4 Definitions 2

Part 2 Declared local pests 2

5 Declaration of local pests-Authorising local law, s 6(1) 2
6 Persons exempted from introducing etc a declared local pest-Authorising local law, s 12(2) 2

Part 3 Overgrown and unsightly allotments 3

Part4 Fires and fire hazards 3

7 Prohibition on lighting or maintaining fires-Authorising local law, s 15(2) 3
8 Fire hazards-Authorising local law, s 16(3)(b) 3

Part 5 Community safety hazards 3

9 Community safety hazards-Authorising local law, s 17(c) 4
10 Prescribed requirements for community safety hazards-Authorising local law, s20(1) 4

Part 6 Noise standards 4

11 Prescribed noise standards-Authorising local law, s 21(2) 4

Part 7 Miscellaneous 4

Schedule 1 Declared local pests 6
Schedule 2 Persons exempted from offence of introducing etc declared local pest 6
Schedule 3 Prohibited fires 7
Schedule 4 Prescribed requirements for community safety hazards 8
Schedule 5 Prescribed noise standards 10
Schedule 6 Dictionary 11

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2011.*

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environmental Management) 2011,* which provides for protecting the environment and public health, safety and amenity within the local government's area.

(2) The purpose is to be achieved by providing for-

(a) declaration of local pests; and

(b) prohibition of lighting or maintaining certain fires; and

(c) declaration of fire hazards; and

(d) declaration of community safety hazards; and

(e) prescribed requirements for owners of land containing community safety hazards; and

(f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environmental Management) 2011* (the ***authorising local law).***

4 Definitions

(1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

(2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

Part 2 Declared local pests

5 Declaration of local pests - Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared local pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

6 Persons exempted from introducing etc a declared local pest Authorising local law, s 12(2)

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 4 Fires and fire hazards

7 Prohibition on lighting or maintaining fires - Authorising local law, s 15(2)

(1) This section applies to the following fires[1]-

(a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;

(b) a fire lit for the purpose of burning the carcass of a beast;

(c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;

(d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.

(2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

8 Fire hazards - Authorising local law, s 16(3)(b)

For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards-

(a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and

(b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and

(c) dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

---

[1] See the *Fire Services Act 1990,* section 145A~~63~~, regarding fires authorised by notification, section 145C regarding fires authorised by permit and section 145G, regarding notices requiring occupiers to take measures to reduce the risk of fire. Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under ~~section 63 of the *Fire and Rescue Service Act 2004*~~ section 145A of the *Fire Services Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire confirms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

9 Community safety hazards - Authorising local law, s 17(c)

For section 17(c) of the authorising local law, the following are declared to be community safety hazards-

(a) a plant on premises which-

(i) is dangerous or attracts vermin; or

(ii) has caused, or is, in the opinion of an authorised person, likely to cause-

(A) personal injury or property damage; or

(B) a negative impact on the amenity of the surrounding area; and

(b) an act or omission on premises which-

(i) is dangerous or attracts vermin; or

(ii) has caused, or is, in the opinion of an authorised person, likely to cause-

(A) personal injury or property damage; or

(B) a negative impact on the amenity of the surrounding area; and

(c) a dead animal on premises which-

(i) is dangerous or attracts vermin; or

(ii) has caused, or is, in the opinion of an authorised person, likely to cause-

(A) personal injury or property damage; or

(B) a negative impact on the amenity of the surrounding area.

10 Prescribed requirements for community safety hazards - Authorising local law, s 20(1)

For section 20(1) of the authorising local law, a responsible person[1] for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

Part 6 Noise standards

11 Prescribed noise standards - Authorising local law, s 21(2)

(1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994,* chapter 8, part 3B, division 3 stated in column 1 of schedule 5.

(2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

[1] For the definition of ***responsible person*** see *Local Law No. 3 (Community and Environmental Management) 2011*

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Schedule 1 Declared local pests

Section 5

Column 1 Applicable part of local government's area	Column2 Declared local pest
Entire local government area.	No animal or plant prescribed.

Schedule 2 Persons exempted from offence of introducing etc declared local pest

Section 6(2)

Column 1 Exempt person	Column2 Declared local pest
No exempt person prescribed.	No animal or plant prescribed.

Schedule 3 Prohibited fires

Section 7(2)

	Column 1 Applicable part of local government's area	Column 2 Prohibited fire
1	Entire local government area	A fire lit out-doors, unless enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
2	Local government controlled areas	A fire that is not in a fireplace, barbeque or incinerator constructed by the local government.

Schedule 4 Prescribed requirements for community safety hazards

Section 10

	Column 1 Community safety hazard	Column2 Prescribed requirements to be met by responsible person
1	Barbed wire fencing	(a) Fencing not to be installed along a boundary adjoining a public park; (b) Barbed wire to be used in a designated town area only in a security fence with the barbed wire to be more than 2 metres off the ground.
2	Electric fencing	(a) Fencing installed in a designated town area that adjoins any road or public land to have warning signs of a size that can be read from a distance of 5 metres and fixed at 5 metre intervals along the fence; (b) Fencing installed in a designated town area must be situated at least 1500mm from a fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2000 mm in height; (c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; (d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
3	Roof sheeting, guttering and sheet metal	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds.

10

Schedule 5 Prescribed noise standards

Section 11

~~Column 1~~ ~~Section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3~~	~~Column 2~~ ~~Prescribed noise standard~~	~~Column 3~~ ~~Applicable part of local government's area~~
~~No noise standard is prescribed.~~		

Column 1 Section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
Each section in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3	The prescribed noise standard is the relevant default noise standard set out in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3	Entire local government area

11

Schedule 6 Dictionary

Section 4

designated town area has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011.*

local government public health risk has the meaning given in the *Public Health Act 2005.*

plant has the meaning given in the *Biosecurity Act 2014.* ~~*Land Protection (Pest and Stock Route Management) Act 2002.*~~

vermin means-

(a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and

(b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but

(c) does not include-

(i) a protected animal within the meaning of the *Nature Conservation Act 1992;* or

(ii) a local government public health risk.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 3 (Community and Environmental Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Contents

Part 1 Preliminary 2

1 Short title 2
2 Purpose and how it is to be achieved 2
3 Authorising local law 2
4 Definitions 2

Part 2 Use of local government controlled areas, facilities and roads 2

5 Prohibited and restricted activities-Authorising local law, s 5(1) 2
6 Motor vehicle access in local government controlled areas-Authorising local law, s 6(1)(b) 3
7 Prohibited vehicles-Authorising local law, s 6(3) 3
8 Opening hours for local government controlled areas-Authorising local law, s 7(1) 3
9 Permanent closure of local government controlled area-Authorising local law, s 8(3) 3

Part 3 Matters affecting roads 3

10 Notice requiring owner of land adjoining road to fence land-Authorising local law, s 9(3) 3

Schedule 1 Prohibited activities for local government controlled areas or roads 5

Schedule 2 Restricted activities for local government controlled areas or roads 14

Schedule 3 Motor vehicle access areas in local government controlled areas 28

Schedule 4 Opening hours for local government controlled areas 29

Schedule 5 Permanent closure of local government controlled areas 30

Schedule 6 Identification of local government controlled areas 31

Schedule 7 Dictionary 32

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.*

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.

(2) The purpose is to be achieved by providing for-

(a) the regulation of access to local government controlled areas; and

(b) the prohibition or restriction of particular activities in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* (the ***authorising local law).***

4 Definitions

(1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

(2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities-Authorising local law, s 5(1)

(1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.

(2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas-Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles-Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Opening hours for local government controlled areas-Authorising local law, s 7(1)

(1) For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

(2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

9 Permanent closure of local government controlled area-Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land-Authorising local law, s 9(3)

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows-

(a) the fence must be constructed of materials which are of sufficient strength to-

(i) restrain the types of animals to be contained in the area adjacent to the fence; and

(ii) stop the animals from escaping over, under or through the fence; and

(b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and

(c) if an animal to be contained in the area adjacent to the fence has the ability to dig - the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and

(d) if the fence includes a gate - the gate must be kept closed and latched

except when in immediate use by a person entering or leaving the area adjacent to the fence.

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	(a) Subject to the *Peaceful Assembly Act 1992* and the *Human Rights Act 2019*, taking ~~Taking~~ part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour; (b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image; (c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area; (d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer or is a person authorised to conduct utility installation or maintenance; (e) Camping, sleeping, occupying or remaining overnight unless the local government controlled area is a park or reserve; (f) Parking or standing a vehicle bearing a sign or advertisement

			that the vehicle is offered for sale or hire.
2	All roads within the local government area	(a)	Causing an offensive liquid, sediment or substance to be discharged onto a road;
		(b)	Intentionally or negligently damaging a road or a structure associated with a road;
		(c)	Creating a nuisance on a road;
		(d)	Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter;
		(e)	Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;
		(f)	Parking or leave standing, an unregistered vehicle on a road.
3	All local government cemeteries within the local government area	(a)	Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery;
		(b)	Selling or buying any article or thing;
		(c)	Distributing or putting up any handbill, card, circular or advertisement;
		(d)	Interfering with any tree, shrub or plant;
		(e)	Taking part in any meeting other than a meeting of a religious or commemorative nature;
		(f)	Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge;
		(g)	Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or

			inscription, or any flowers or tokens placed on or adjacent to a grave or niche;
		(h)	Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path;
		(i)	Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;
		(j)	Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;
		(k)	Bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral or commemorative service);
		(l)	Entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer.
4	All parks and reserves within the local government area	(a)	Damaging or interfering with vegetation;
		(b)	Discharging or carrying a firearm or other weapon or any kind of explosive device;
		(c)	Throwing a stone, projectile or other missile;
		(d)	Using or carrying a trap, snare or net;
		(e)	Hitting a golf ball;
		(f)	Behaving in a ~~righteous~~riotous, disorderly, indecent, offensive, threatening or insulting manner;
		(g)	Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;

		(h)	Interfering with a plant or any turf, sand, clay, soil or other material;
		(i)	Interfering with any facility or equipment located at the park or reserve;
		(j)	Disposing of any waste of any kind other than in a waste container provided for that purpose;
		(k)	Depositing, storing or abandoning any goods;
		(l)	Bathing in any ornamental pond or lake;
		(m)	Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;
		(n)	Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve;
		(o)	Permitting or allowing a water tap in a park or reserve to run water to waste;
		(p)	Removing any timber or wood provided by the local government for use as firewood;
		(q)	Propagating or cultivating any plant, vegetation or vegetative matter.
5	All local government caravan parks within the local government area	(a)	Disposing of liquid waste other than at a drainage point provided for that purpose;
		(b)	Disposing of waste other than in a waste container provided for that purpose;
		(c)	Using facilities in a way that makes them unclean or insanitary;
		(d)	Behaving in a riotous~~righteous~~, disorderly, indecent, offensive, threatening or insulting manner;

		(e)	Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;
		(f)	Interfering with a plant or any turf, sand, clay, soil or other material;
		(g)	Interfering with any facility or equipment located at the local government caravan park.
6	The boat ramps and landings within the local government area identified in schedule 6	(a)	Carrying out maintenance or repairs to a ship on a boat ramp;
		(b)	The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse;
		(c)	Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;
		(d)	Wilfully damaging any lighting upon a boat ramp or a landing;
		(e)	Riding an animal on a boat ramp or a landing;
		(f)	Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing;
		(g)	Carrying a loaded or cocked spear gun on a boat ramp or a landing;
		(h)	Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;
		(i)	Diving off a boat ramp or a landing;
		(j)	A person causing themselves or any other person or object to fall or be projected into waters

		surrounding a boat ramp or a landing; (k) Obstructing another person's use of a boat ramp or landing; (l) Using a boat ramp or landing in a manner which is inconsistent with — (i) the safe, secure and efficient operation of the boat ramp or landing; or (ii) the protection of the environment at the boat ramp or landing; or (iii) the maintenance or improvement of the convenience of users of the boat ramp or landing.
7	All local government swimming pools within the local government area	(a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool; (b) Bringing any animal onto the land on which the swimming pool is situated; (c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool; (d) Causing wilful damage to the swimming pool or any facilities at the swimming pool; (e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool; (f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance; (g) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug;

		(h)	Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug;
		(i)	Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste;
		(j)	Entering the water in the swimming pool if the person has an infectious or contagious disease or illness or a skin complaint;
		(k)	Interfering with the property of another person on the land on which the swimming pool is located other than with the consent of the other person;
		(l)	Entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;
		(m)	Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;
		(n)	Behaving in a threatening, abusive or insulting manner to another person at the swimming pool;
		(o)	Leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.
8	All local government camping grounds within the local government area	(a)	Disposing of liquid waste other than at a drainage point provided for that purpose;
		(b)	Disposing of waste other than in a waste container provided for that purpose;

		(c)	Using facilities in a way that makes them unclean or unsanitary;
		(d)	Behaving in a riotous~~righteous~~, disorderly, indecent, offensive, threatening or insulting manner;
		(e)	Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;
		(f)	Interfering with a plant or any turf, sand, clay, soil or other material;
		(g)	Interfering with any facility or equipment located at the local government camping ground.
9	All local government offices within the local government area	(a)	Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government office;
		(b)	Disposing of waste other than in a waste container provided for that purpose;
		(c)	Using facilities in a way that makes them unclean or unsanitary;
		(d)	Behaving in a riotous~~righteous~~, disorderly, indecent, offensive, threatening or insulting manner;
		(e)	Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;
		(f)	Interfering with any facility or equipment located at the local government office;
		(g)	Depositing, storing or abandoning any goods;

		(h) Any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office; (i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office; (j) Using any part of the local government office in a manner which is inconsistent with— (i) the safe, secure and efficient operation of the local government office; or (ii) the maintenance or improvement of the convenience of users of the local government office.
10	All wash down areas in the local government area	(a) Allowing any petrol, fuel, diesel, oil or other contaminant to flow from the truck or vehicle of the user of the wash down area onto the wash down area or any area adjacent to the wash down area; (b) Engaging in any activity which would be likely to injure, endanger, obstruct, inconvenience or annoy another person in the wash down area; (c) Damaging or interfering with— (i) any vegetation, soil, sand or rock in or about the wash down area; or (ii) facilities, notices or equipment in or about the wash down area; (d) Dumping or depositing any waste in or about the wash down area.

Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas within the local government area	Busking	Permitted only if authorised under the conditions of an approval for a prescribed activity.
2	All roads within the local government area	(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road (see s.66(3)(d) of the Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads).	(a) Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
		(b) Installing, removing or replacing a gate or a grid, or a gate and a grid, across a road.	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Busking	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.

3	All local government cemeteries within the local government area	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only— (i) between the hours of 9am and 4pm; or (ii) with the written authorisation of the chief executive officer.
		(b) Disposing of human remains in a local government cemetery.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the sexton.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of the sexton.
		(e) Bringing human remains into a local government cemetery.	(e) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.
		(f) Erecting or installing a memorial to a deceased person in a local government cemetery.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Reserving a niche or site in a local government cemetery.	(g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government.

		(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	(h) Permitted only— (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and (ii) with the written approval of the sexton; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	(a) Permitted only if the fire is— (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.
		(b) Sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.

		(e) Operating a model aircraft propelled by a motor.	(e) Permitted only with the written authorisation of the chief executive officer of the local government.
		(f) Using, storing or possessing fireworks.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Displaying a sign or advertisement.	(g) Permitted only if authorised under the conditions of an approval for a prescribed activity.
5	All local government caravan parks within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a caravan site at a local government caravan park	(b) Permitted only if— (i) the person undertaking the activity maintains the caravan site and any caravan or complementary accommodation on the caravan site in a clean and sanitary condition; and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and (iii) the person does not use facilities at the local government caravan park in a way that makes them

			unclean or unsanitary; and (iv) the person who occupies the caravan site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government caravan park; and (v) the person pays all fees for use of the caravan site in advance to the local government; and (vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government caravan park; and (vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition; and (viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and (ix) the person ensures that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition; and (x) the person ensures that the caravan site is not left unoccupied for more than 2 days; and

			(xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government caravan park.
6	The boat ramps and landings within the local government area identified in schedule 6	(a) Driving or standing a vehicle on a boat ramp.	(a) Permitted only to launch or retrieve a ship from the boat ramp.
		(b) Launching or retrieving a ship at a boat ramp.	(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.
		(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.	(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.
		(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.	(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.
		(e) Taking or driving a vehicle onto a boat ramp.	(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than— (i) 5 tonnes; or (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.

		(f) Taking or driving a vehicle onto a landing.	(f) Permitted only if— (i) the local government erects on or near the landing a notice that— (A) is approved by the local government; and (B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii); and (C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing; and (ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.
		(g) Taking or driving a vehicle onto a boat ramp or landing.	(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.
7	All local government swimming pools within the local government area	(a) Conducting— (i) a swimming club competition or carnival; or (ii) an inter-school or intra-school swimming competition or carnival; or (iii) learn to swim training,	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.

		lifesaving training or competitive swimming training by a swimming club or school; or (iv)a private function.	
		(b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way.	(b) Permitted only with the written authorisation of an authorised person.
8	All local government camping grounds within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.	(b) Permitted only if— (i) the person undertaking the activity maintains the camping site, and any tent or other accommodation on the camping site, in a clean and sanitary condition; and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and (iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary; and (iv) the person who occupies the camping

			site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government camping ground; and (v) the person pays all fees for use of the camping site in advance to the local government; and (vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government camping ground; and (vii) at the end of the period of occupation of the camping site — the person vacates and leaves the camping site in a clean and tidy condition; and (viii) the person ensures that the camping site, tent or other accommodation is not let or hired to another person; and (ix) the person ensures that the camping site is kept and maintained in good repair and clean, tidy and sanitary condition; and (x) the person ensures that the camping site is not left unoccupied for more than 2 days; and (xi) the person ensures that not more than 1 tent or other accommodation

			occupies a camping site at the camping ground; and (xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government camping ground.
9	All local government offices within the local government area	(a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office.	(a) Permitted only if— (i) the animal is an assistance dog, a guide dog or a hearing dog; and (ii) the person is the handler of the dog.
		(b) Entering or remaining at a local government office or a part of a local government office	(b) Permitted if— (i) the local government office or relevant part of the local government office is a public place; and (ii) if the local government erects on or near the local government office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office or the relevant part of the local government office— the person complies with the requirements of the notice.
10	All wash down areas within the local government area	(a) Washing down a truck or other vehicle at the wash down area.	Permitted only at a time and location as directed by an authorised person.
		(b) Parking a truck or other vehicle on or adjacent to the wash down area.	Permitted only— (i) for washing purposes; or (ii) as otherwise directed by an authorised person.

		(c) Using the wash down area	Permitted only if— (i) the wash down area is properly cleaned and left free of dirt, oil, petrol, mud and waste after use; and (ii) the user supplies their own hose for wash down purposes; and (iii) the user places all waste in bins provided by the local government for the disposal of waste; and (iv) the user shuts off all taps in and about the wash down area promptly after use; and (v) after use, the user promptly removes the truck or vehicle of the user from the wash down area; and (vi) the user accesses the wash down area for the washing of a truck or other vehicle in the order that they arrive at the wash down area unless otherwise directed by an authorised person; and (vii) the user insures themselves and the local government against liability for injury, loss or damage resulting from the use of the wash down area; and (viii) the user takes all necessary precautions to protect the safety of persons using the wash down area; and (ix) the user does not bring any machine propelled by tracks onto, or drive a machine propelled by

			tracks on, the wash down area; and (x) the user uses the wash down area for the washing down of a machine propelled by tracks only if the machine is, and remains loaded on, a loader, float or truck.
11	Local Government Saleyard (Roma Saleyard)	Use of Saleyard	Permitted only if authorised under the conditions of an approval for a prescribed activity.

Schedule 3 Motor vehicle access areas in local government controlled areas

Sections 6 and 7

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
No motor vehicle access area prescribed.	No vehicles prescribed.

Schedule 4 Opening hours for local government controlled areas

Section 8

Column 1 Local government controlled area	Column 2 Opening hours[1]
No local government controlled area mentioned.	Nothing specified

[1] Public holidays excepted.

Schedule 5 Permanent closure of local government controlled areas

Section 9

No local government controlled area described.

Schedule 6 Identification of local government controlled areas

Section 5

Boat ramps and landings

The boat ramp and landing at Balonne River, Carnarvon Highway, Surat.

Schedule 7 Dictionary

Section 4

accommodation, at a local government caravan park, means-

(a) a caravan; or

(b) a complementary accommodation.

animal has the meaning given in *Local Law No. 2 (Animal Management) 2011.*

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009.*

authorised person has the meaning given in *Local Law No. 1 (Administration) 2011.*

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

busking means a musical or theatrical performance undertaken by a person-

(a) to entertain the public; and

(b) seeking voluntary reward for the performance.

camping, at a place, includes sleeping, occupying or remaining overnight at the place.

camping ground means land that is approved by the local government for camping but does not include a caravan park.

camping site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

caravan has the meaning given in *Local Law No. 1 (Administration) 2011.*

caravan park means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

caravan site, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

complementary accommodation has the meaning given in *Local Law No. 1 (Administration) 2011.*~~*Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*~~.

driver has the meaning given in the *Transport Operations (Road Use Management) Act 1995.*

emergency services officer means-

(a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or

(b) an officer of the Queensland ~~Fire and Rescue Service~~ Fire Department or a Fire and Rescue Service of another State; or

(c) an officer of the Queensland Police Service, or an officer of a police service of the Commonwealth or another State or Territory; or ~~an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or~~

(d) an officer of the Queensland State Emergency Service or a State Emergency Service of another State; or

~~(e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or~~

~~(f)~~(e) an officer, employee or member of a government or other entity whose functions include managing or carrying out activities in response to a disaster or emergency situation~~an officer of Emergency Management Queensland~~.

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995.*

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

grid means a structure designed to -

(a) permit the movement of pedestrian or vehicular traffic along a road; but

(b) prevent the passage of livestock.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009.*

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009.*

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009.*

interfere means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and ***interference*** has a corresponding meaning.

landing includes jetty, pontoon and wharf.

local government camping ground means a camping ground under the control of the local government, including a camping ground located on land owned by the local government or on land for which the local government is the trustee.

local government caravan park means a caravan park under the control of the local government, including a caravan park located on land owned by the local government or on land for which the local government is the trustee.

local government cemetery has the meaning given in *Local Law No. 1 (Administration) 2011.*

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

local government office includes-

(a) the public office of the local government; and

(b) each place used by the local government for local government administration or management purposes.

local government swimming pool means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee.

memorial includes-

(a) a headstone; and

(b) an inscribed plaque or commemorative plate; and

(c) monumental, ornamental or other structures erected on a grave site; and

(d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995.*

non-public place means-

(a) the whole or any part of a local government office that is not a public place; and

(b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by-

(i) an authorised person; or

(ii) a notice displayed at a prominent place at-

(A) if the whole of the local government office is a non-public place-the local government office; or

(B) if a part of the local government office is a non-public place-the part of the local government office.

park means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

plant has the meaning given in the *Biosecurity Act 2014*~~*Land Protection (Pest and Stock Route Management) Act 2002*~~.

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

public place -

(a) has the meaning given in the *Local Government Act 2009;* but

(b) does not include a non-public place.

reserve means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or

environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

responsible person, for a gate or grid installed across a road, means-

(a) the person who installed the gate or grid, or the gate and the grid; and

(b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed; and

(c) the person who has the benefit of the gate or grid, or the gate and the grid installed across the road.

road has the meaning given in the *Local Law No. 1 (Administration) 2011.*

sewerage system has the meaning given in the *Plumbing and Drainage Act ~~2002~~2018.*

sexton means a person appointed by the local government to act as the sexton of a local government cemetery

ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994.*

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

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

swimming pool has the meaning given in the *Building Act 1975.*

unregistered, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management Vehicle Registration) Regulation ~~1999~~2021,* means that the vehicle is not a registered vehicle.

utility installation means-

(a) the supply of water, hydraulic power, electricity or gas; or

(b) the provision of sewerage or drainage services; or

(c) the provision of telecommunications services.

utility maintenance means the maintenance of-

(a) water, hydraulic power, electricity or gas services; or

(b) sewerage or drainage services; or

(c) telecommunications services.

vegetation means trees, plants and all other organisms of vegetable origin (whether living or dead).

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995.*

wash down area means a facility provided by the local government on a local government controlled area or a road which is-

(a) designed for the washing down of trucks or other vehicles; and

(b) available for use by the public.

waste has the meaning given in the ~~*Environmental Protection Act 1994*~~*Waste Reduction and Recycling Act 2011*.

water supply system has the meaning given in the ~~*Standard Plumbing and Drainage Regulation 2003*~~ *Plumbing and Drainage Act 2018*.

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

Subordinate Local Law No. 5 (Parking) 2011

Contents

Part 1 Preliminary 2

1 Short title 2
2 Purpose and how it is to be achieved 2
3 Authorising local law 2
4 Definitions 2

Part 2 Declaration of parking areas for the TORUM Act 2

5 Declaration of traffic areas-Authorising local law, s 5 2
6 Declaration of off-street regulated parking areas-Authorising local law, s 6 2

Part 3 Parking contrary to parking restriction 3

7 Parking permits issued by local government-Authorising local law, s 7(2) 3
8 Commercial vehicle identification labels-Authorising local law, s 8(2) 3

Part 4 Minor traffic offence infringement notice penalties 3

9 Infringement notice penalty amounts-Authorising local law, s 9 3

Schedule 1 Declaration of traffic area 4

Schedule 2 Declaration of off-street regulated parking areas 5

Schedule 3 Infringement notice penalty amounts for certain minor traffic offences 9

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011.*

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011,* which provides for the exercise of local government powers authorised under the TORUM Act.

(2) The purpose is to be achieved by providing for-

(a) the establishment of traffic areas and off-street regulated parking areas; and

(b) the persons that may be issued with a parking permit; and

(c) the vehicles that may be issued with a commercial vehicle identification label; and

(d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the ***authorising local law).***

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas-Authorising local law, s 5

(1) For section 5(1) of the authorising local law, each part of the local government area indicated by hatching in a map in schedule 1 is declared to be a traffic area.

(2) For section 5(2) of the authorising local law, the boundaries of each traffic area are indicated by bold lines circumscribing the hatched areas on a map in schedule 1.

6 Declaration of off-street regulated parking areas-Authorising local law, s 6

(1) For section 6(1) of the authorising local law, each area of land indicated by hatching in a map in schedule 2 is declared to be an off-street regulated parking area.

(2) For section 6(2) of the authorising local law, the boundaries of each off-street

regulated parking area are indicated by a bold line circumscribing a hatched area on a map in schedule 2.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government-Authorising local law, s 7(2)

No person may be issued with a parking permit.

8 Commercial vehicle identification labels-Authorising local law, s 8(2)

For section 8(2) of the authorising local law, no vehicle may be issued with a commercial vehicle identification label.

Part 4 Minor traffic offence infringement notice penalties

9 Infringement notice penalty amounts-Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount[1] for an offence mentioned in column 1 of schedule 3 is calculated by reference to the number of penalty units in the corresponding row ~~the corresponding amount stated~~ in column 2 of schedule 3.

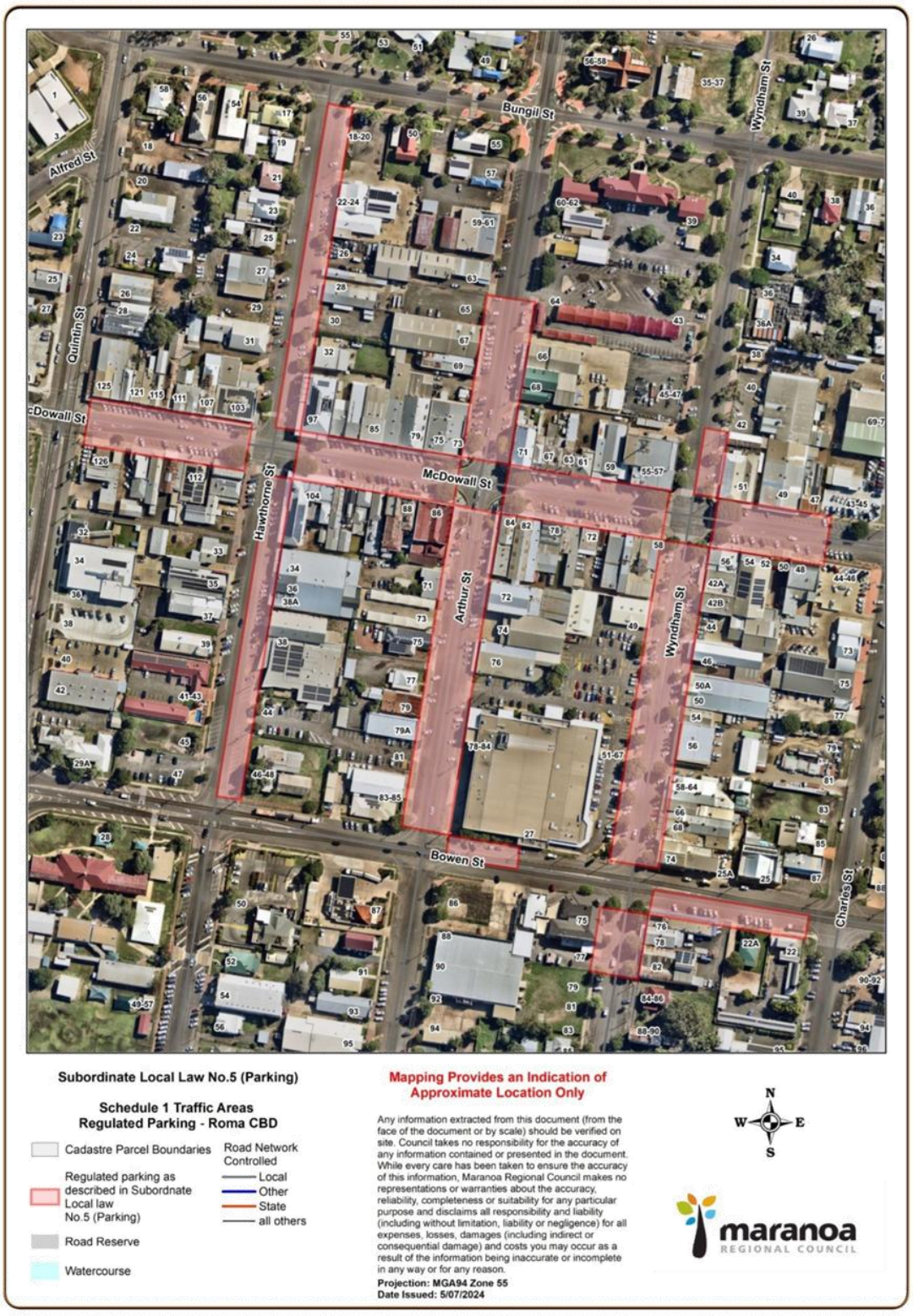
---

[1] ~~See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law the amount, not more than $100.00, prescribed under a regulation. See section 2A of the *Penalties and Sentences Regulation 2005*. The value of the penalty unit for a local law made by a local government mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2 of the Regulation is $75.00. The value of a penalty unit for a local law made by a local government not mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2 of the Regulation, is $100.00.~~

Schedule 1 Declaration of traffic area

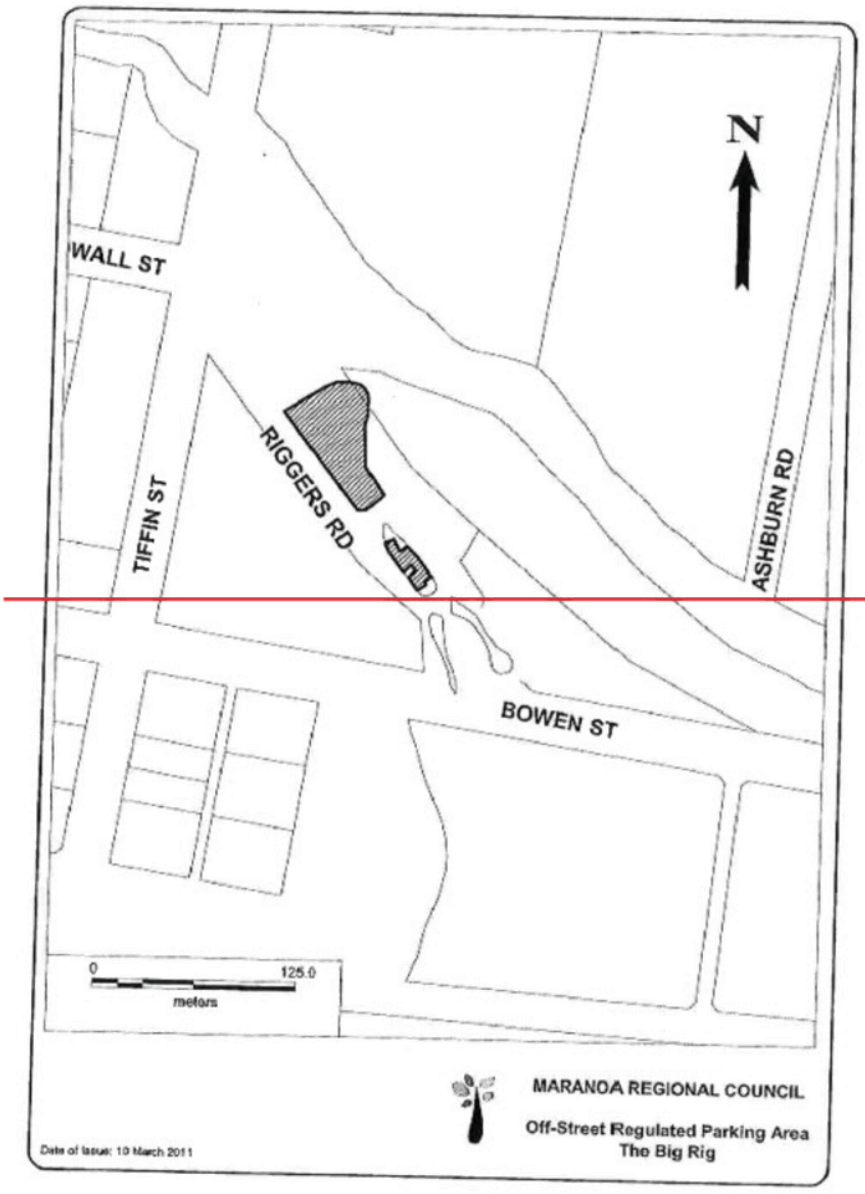
Section 5

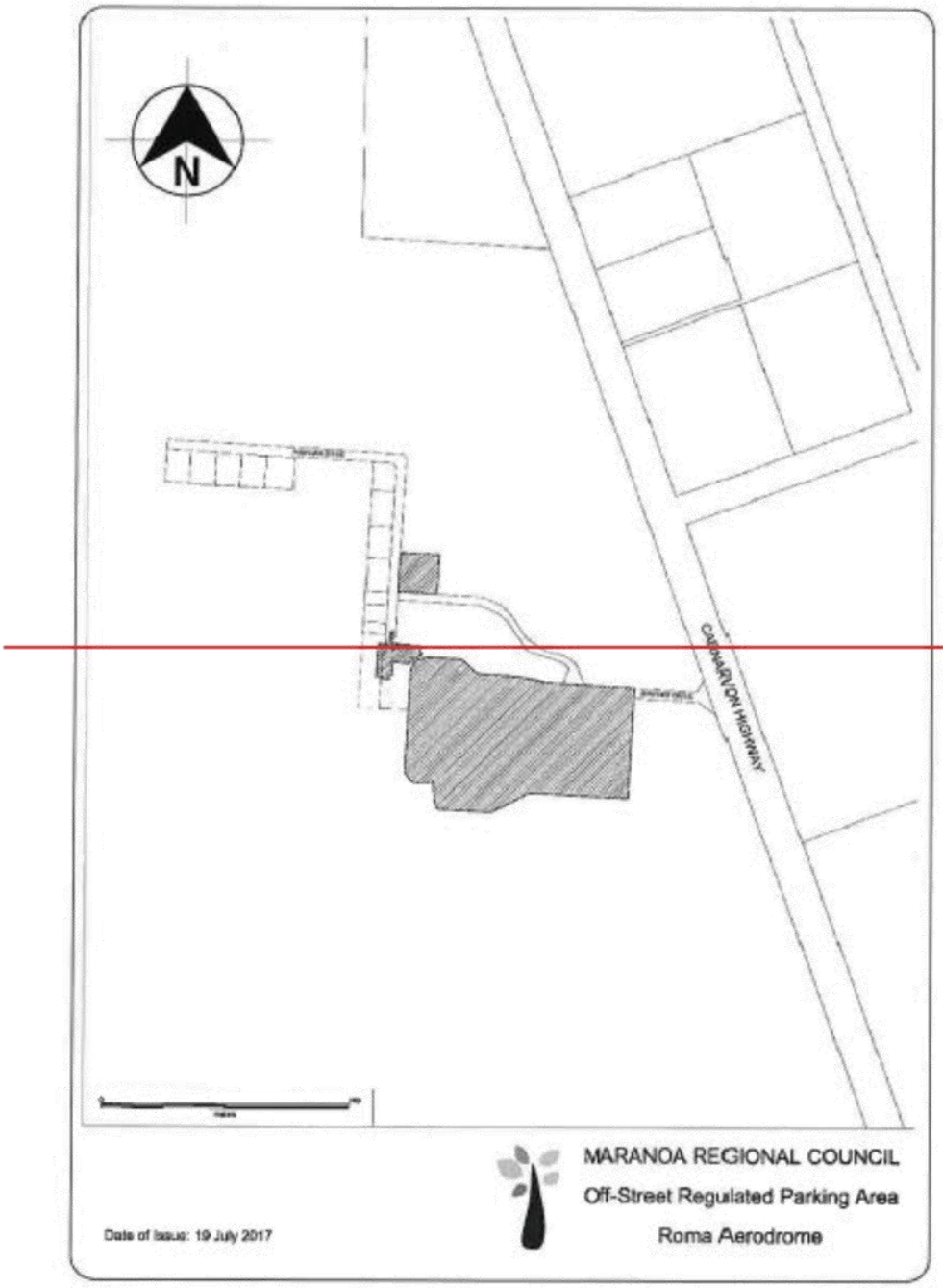
~~No traffic area declared.~~

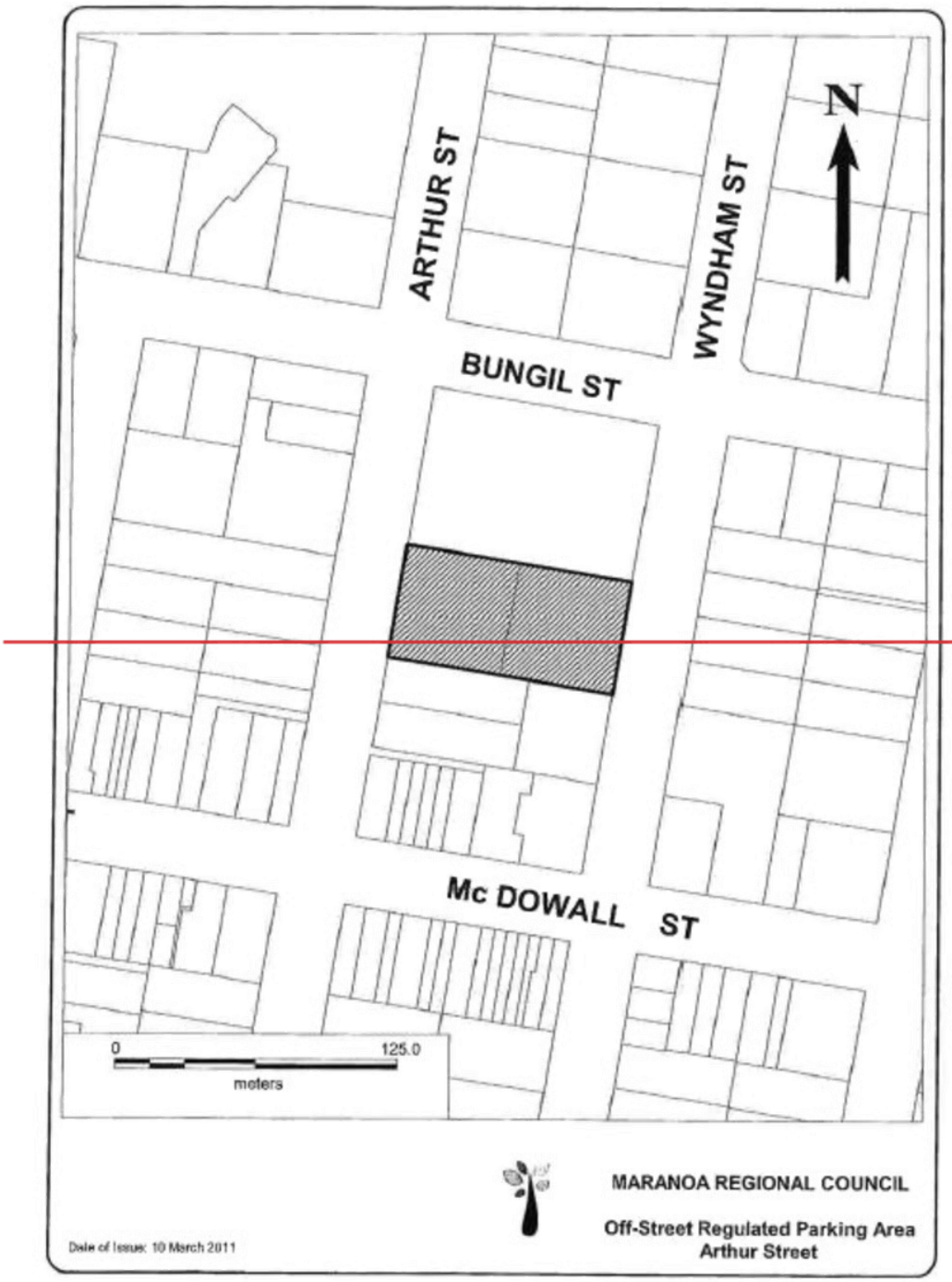

Bungil St
Wyndham St
Alfred St
Quintin St
McDowall St
Hawthorne St
Arthur St
Wyndham St
Bowen St
Charles St
Subordinate Local Law No.5 (Parking)
Schedule 1 Traffic Areas
Regulated Parking - Roma CBD
Cadastre Parcel Boundaries
Regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL

Schedule 2 Declaration of off-street regulated parking areas

Section 6




N
CARNARVON HIGHWAY
MARANOA REGIONAL COUNCIL
Off-Street Regulated Parking Area
Roma Aerodrome
Date of Issue: 19 July 2017


ARTHUR ST
WYNDHAM ST
N
BUNGIL ST
Mc DOWALL ST
0
125.0
meters
MARANOA REGIONAL COUNCIL
Off-Street Regulated Parking Area
Arthur Street
Date of Issue: 10 March 2011



Subordinate Local Law No.5 (Parking)

Off-street regulated parking
Arthur St CBD North Carpark

Cadastre Parcel Boundaries

Off-street regulated parking as described in Subordnate Local law No.5 (Parking)

Road Reserve

Watercourse

Road Network Controlled
- Local
- Other
- State
- all others

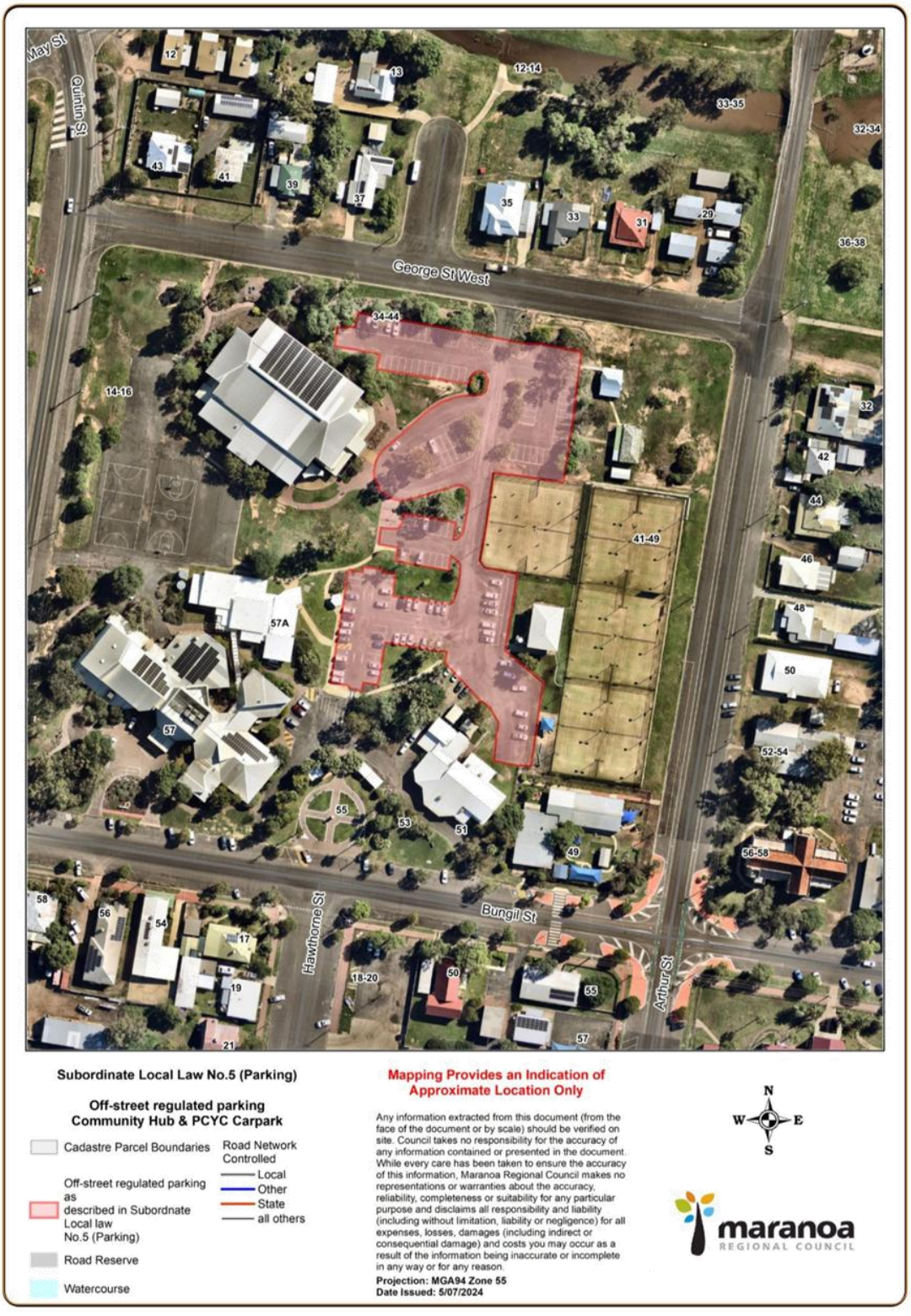
Mapping Provides an Indication of Approximate Location Only

Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.

Projection: MGA94 Zone 55
Date Issued: 5/07/2024

N W E S

maranoa REGIONAL COUNCIL

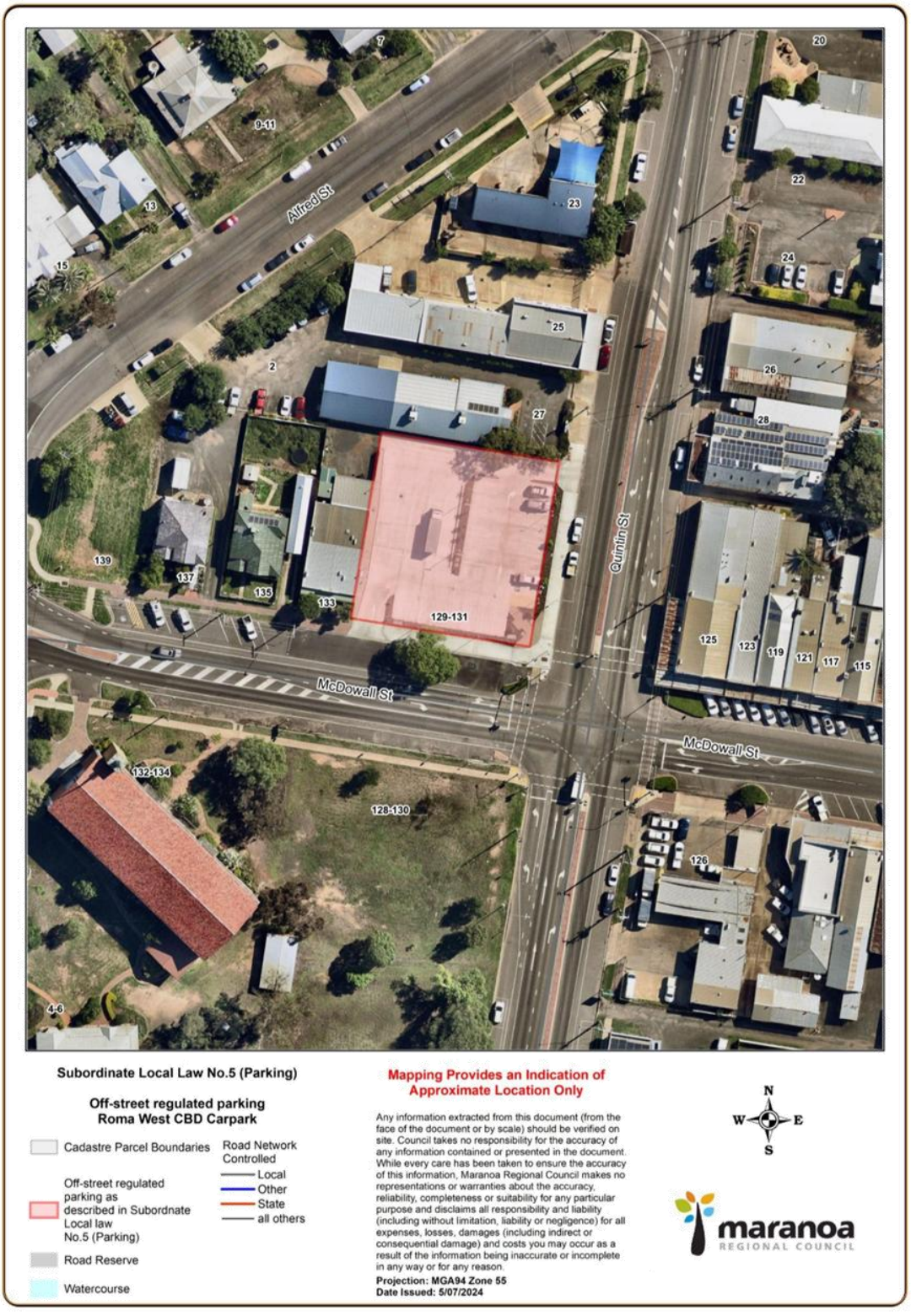

May St
Quintin St
George St West
Hawthorne St
Bungil St
Arthur St
12
13
12-14
33-35
32-34
43
41
39
37
35
33
31
20
30-38
34-44
14-16
32
42
44
41-49
46
48
57A
50
57
52-54
55
53
51
49
56-58
58
56
54
17
19
21
18-20
50
55
57
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Community Hub & PCYC Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


33
34
35
36
38A
37
71
72
73
74
39
38
75
76
77
43
79
44
79A
78-84
81
Hawthorne St
Arthur St
46-48
83-85
Bowen St
27
50
87
86
88
52
90
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
QAS CBD South Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


Hangar Dr
Airport Dr
Carnarvon Highway (Roma - Injune)
254
249
243
237
211
41
39
37
35
33
38
17
15
11
9
5
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Roma Airport Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


McDowall St
Riggers Rd S
Tiffin St
Bowen St
Riggers Rd N
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Roma Big Rig Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


11
4
Roslyn Dr
Beaumont Dr
44589
Warrego Highway (18D)
44306
Wormwell Dr
les Rd
Mile Rd
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Roma Saleyards Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL


Alfred St
Quinlin St
McDowall St
McDowall St
7
9-11
13
15
2
20
22
23
24
25
26
27
28
139
137
135
133
129-131
125
123
119
121
117
115
132-134
128-130
126
4-6
Subordinate Local Law No.5 (Parking)
Off-street regulated parking
Roma West CBD Carpark
Cadastre Parcel Boundaries
Off-street regulated parking as described in Subordnate Local law No.5 (Parking)
Road Reserve
Watercourse
Road Network Controlled
Local
Other
State
all others
Mapping Provides an Indication of Approximate Location Only
Any information extracted from this document (from the face of the document or by scale) should be verified on site. Council takes no responsibility for the accuracy of any information contained or presented in the document. While every care has been taken to ensure the accuracy of this information, Maranoa Regional Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may occur as a result of the information being inaccurate or incomplete in any way or for any reason.
Projection: MGA94 Zone 55
Date Issued: 5/07/2024
N
W
E
S
maranoa
REGIONAL COUNCIL

Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1		Column 2
***Transport Operations (Road Use Management) Act 1995* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	0.5 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.5 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.5 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.5 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.5 penalty units

Column 1		Column 2
***Transport Operations (Road Use Management - Road Rules) Regulation 2009* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.5 penalty units
169	Stopping at the side of a road marked with a continuous yellow edge line	0.5 penalty units

Column 1		Column 2
***Transport Operations (Road Use Management - Road Rules) Regulation 2009* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
170(1)	Stopping in an intersection	0.5 penalty units
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.5 penalty units
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	0.5 penalty units
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.5 penalty units
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.5 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.5 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.5 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.5 penalty units
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.5 penalty units
181	Unauthorised driver stopping in a works zone	0.5 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	0.5 penalty units
183(1)	Stopping an unauthorised vehicle in a bus zone	0.5 penalty units

Column 1		Column 2
***Transport Operations (Road Use Management - Road Rules) Regulation 2009* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	0.5 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	0.5 penalty units
186(1)	Stopping in a mail zone	0.5 penalty units
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	0.5 penalty units
191	Stopping on a road so as to obstruct traffic	0.5 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	0.5 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	0.5 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built- up area unless permitted by a sign	0.5 penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	0.5 penalty units
199	Stopping near a postbox	0.5 penalty units
202	Stopping contrary to a motorbike parking sign	0.5 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1 penalty unit

Column 1		Column 2
***Transport Operations (Road Use Management - Road Rules) Regulation 2009* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.5 penalty units
208(1)	Parking on a two way road other than parallel and as near as practicable to the far left side of the road	0.5 penalty units
208(1)	Parking on a one way road other than to the far left or far right of the road unless permitted by a sign	0.5 penalty units
208(1)	Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign.	0.5 penalty units
210(1)	Angle parking - failing to properly position the vehicle.	0.5 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.5 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.5 penalty units

This and the preceding pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 5 (Parking) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

Attachment F

Repealing Instrument

DELIVERED AS PART OF SEPARATE PACK

Local Law (Repealing) Local Law (No. 1) 2026

Contents

1 Short title 2
2 Commencement 2
3 Local laws repealed 2
4 Expiration 3

1 Short title

This local law may be cited as *Local Law (Repealing) Local Law (No. 1) 2025.*

2 Commencement

This local law commences on the date notice of the making of the local law is published in the gazette.

3 Local laws repealed

This local law repeals—

(a) Subordinate Local Law 1.1 (Alteration or improvement to Local Government Controlled Areas and Roads) 2011

(b) Subordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011

(c) Subordinate Local Law 1.3 (Establishment or Occupation of a Temporary Home) 2011

(d) Subordinate Local Law 1.4 (Installation of Advertising Devices) 2011

(e) Subordinate Local Law 1.5 (Keeping of Animals) 2011

(f) Subordinate Local Law 1.6 (Operation of Camping Grounds) 2011

(g) Subordinate Local Law 1.7 (Operation of Cane Railways) 2011

(h) Subordinate Local Law 1.8 (Operation of Caravan Parks) 2011

(i) Subordinate Local Law 1.9 (Operation of Cemeteries) 2011

(j) Subordinate Local Law 1.10 (Operation of Public Swimming Pools) 2011

(k) Subordinate Local Law 1.11 (Operation of Shared Facility Accommodation) 2011

(l) Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2011

(m) Subordinate Local Law 1.13 (Undertaking Regulated Activities Regarding Human Remains) 2011

(n) Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011

(o) Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011

(p) Subordinate Local Law 1.16 (Gates and Grids) 2011

(q) Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011

(r) Subordinate Local Law 1.18 (Use of a Vehicle on an Airside Area) 2011

4 Expiration

This local law expires on the day after notice of the making of the local law is published in the gazette.

This and the preceding pages bearing my initials is a certified copy of *Local Law (Repealing) Local Law (No. 1) 2026* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

.....
Chief Executive Officer

Attachment G

New Subordinate Local Law

DELIVERED AS PART OF SEPARATE PACK

Subordinate Local Law No. 1 (Administration) 2025

Contents

Part 1 Preliminary 4

1 Short title 4
2 Purpose and how it is to be achieved 4
3 Authorising local law 4
4 Definitions 4

Part 2 Approvals for prescribed activities 8

5 Prescribed activities that do not require an approval—Authorising local law, s 6(3) 8
6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4) 8
7 Approvals that are non-transferable—Authorising local law, s 15(2) 8
8 Prescribed complementary accommodation—Authorising local law, schedule 1 8
9 State-controlled roads to which the local law applies—Authorising local law, schedule 1 8
10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2 9
11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a) 9

Schedule 1 Prescribed activities that do not require an approval under the authorising local law 11

Schedule 2 Categories of prescribed activities for the purposes of maximum penalties 12

Schedule 3 Categories of approval that are non-transferable 13

Schedule 4 Prescribed complementary accommodation 14

Schedule 5 State-controlled roads to which the local law applies 15

Schedule 6 Public place activities that are prescribed activities 16

Schedule 7 Alteration or improvement to local government controlled areas and roads 17

Schedule 8 Commercial use of local government controlled areas and roads 20

Schedule 9 Establishment or occupation of a temporary home 30

Schedule 10 Installation of advertising devices 3635

Schedule 10.1 Definitions and prescribed criteria for installation, erection and display of advertising devices 4039

1 Garage sale sign 4039
2 Mobile sign 4039
3 Real estate sign 4241
4 Roadside directional sign 4342

Schedule 10.2 General criteria for installation, erection and display of advertising devices 4544

Schedule 11 Keeping of animals 4746

Schedule 12 Operation of camping grounds and caravan parks 5352

Schedule 13 Operation of cane railways 6463

Schedule 14 Operation of caravan parks 6564

Schedule 15 Operation of cemeteries 7574

Schedule 16 Operation of public swimming pools 7574

Schedule 17 Operation of shared facility accommodation 7574

Schedule 18 Operation of temporary entertainment events 7675

Schedule 19 Undertaking regulated activities regarding human remains 8180

Schedule 20 Not Used 8685

Schedule 21 Not Used 8786

Schedule 22 Undertaking regulated activities on local government controlled areas and roads 8887

Schedule 23 Not Used 9695

Schedule 24 Not Used 9796

Schedule 25 Bringing or driving motor vehicles onto local government controlled areas 9897

Schedule 26 Bringing or driving prohibited vehicles onto motor vehicle access areas 9998

Schedule 27 Use of bathing reserves for training, competitions etc 10099

Schedule 28 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee 101100

Schedule 29 Parking in a loading zone by displaying a commercial vehicle identification label 102101

Schedule 30 Carrying out works on a road or interfering with a road or its operation 103102

Schedule 31 Use of a vehicle on an airside area 106105

Schedule 32 Sale or consignment of stock at a saleyard and supply of fodder at a saleyard 109108

Schedule 33 Gates and Grids 114113

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2024.*

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the ***authorising local law***).

4 Definitions

(1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

(2) In this subordinate law –

advertiser means a person—

(a) by whom an advertising device is installed, erected or displayed; or

(b) whose business or place of business is advertised by an advertising device; or

(c) who manages and controls, or has power to manage and control, the place at which an advertising device is installed, erected or displayed; or

~~(a)~~(d) who is—

(i) the owner of premises or a place on which an advertising device is installed, erected or displayed; or

(ii) the occupier of premises or a place on which an advertising device is installed, erected or displayed; or

(iii) the owner of a vehicle on which an advertising device is installed, erected or displayed.

advertising device means a structure or device, whether temporary or permanent, not regulated by the Planning Scheme which is visible from a road or other public place and which conveys information or directions of any kind (other than a structure or device displayed pursuant to the authority or requirements of an Act) and the term includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed.

airside area has the meaning given in *Local Law No. 7 (Aerodromes) 2011.*

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

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

commodity vendor declaration, for fodder—

(a) means a statement from the supplier of the fodder that specifies what chemicals have been used in the production of the fodder; and

(b) includes a commodity vendor declaration form no. 980902 of the Queensland Government Department of Employment, Economic Development and Innovation.

community organisation has the meaning given in the Act.

development approval see the ~~*Sustainable*~~ definition of *Planning Act ~~2009~~* in the Act, schedule 4 ~~3~~.

electrical installation has the meaning given in the *Electricity Act 1994*.

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

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

facilities includes—

(a) toilets; and

(b) bathing and showering facilities; and

(c) facilities for washing and drying clothes; and

(d) facilities for cooking and food preparation; and

(e) sporting and other recreational facilities; and

(f) other facilities for the use or convenience of people using a camping ground.

fire safety installation has the meaning given in the *Building Act 1975*.

garage sale sign see schedule 10.1, section 1.

gate means a hinged or sliding barrier used to close an opening in a wall, fence or hedge.

grid has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.*

health risk has the meaning given in the *Public Health Act 2005*.

height *means* the distance measured between the top of an advertising device and ground level directly adjacent to the advertising device.

illuminated, for an advertising device, means that the advertising device has specifically designed internal, or external or both internal and external, means of illumination of the whole or a portion of the advertising device.

land has the meaning given in the *Sustainable Planning Act 2009.*

limited access road has the meaning given in section 54 of the Transport Infrastructure Act 1994.

mobile sign see schedule 10.1, section 2.

motorway has the meaning given in the *Transport Infrastructure Act 1994.*

occupier, of premises—

(a) means the person who has the control or management of the premises; and

(b) includes the owner of the premises where there is no person in apparent occupation of the premises.

on-site sew~~er~~age facility has the meaning given in the *Plumbing and Drainage Act ~~2002~~2018*.

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

permitted advertisement see schedule 1, section 2(2).

Planning Act has the meaning given in the Act, Schedule 4.

potable water means water which complies with the Australian Drinking Water Guidelines.

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

prescribed criteria for fodder means the maximum residue limits set for agricultural chemicals in food and animal feedstuffs by the Australian Pesticides and Veterinary Medicines Authority and particularised **in** the MRL Standard published from time to time in the Agricultural and Veterinary Chemicals Gazette.

public place has the meaning given in the Act.

rateable land has the meaning given in the Act.

real estate sign see schedule 10.1, section 3.

responsible person has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

road has the meaning given in the Act.

roadside directional sign see schedule 10.1, section 4.

road related area has the meaning given in the *Transport Operations (Road Use Management – Road Rules) Regulation 2009.*

sanitary convenience has the meaning given in the *Environmental Protection Act 1994.*

saleyard has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011.*

selling pen means each pen allocated for the sale of stock or a specified type of stock at the saleyard by the local government from time to time.

sewerage system has the meaning given in the *Plumbing and Drainage Act ~~2002~~2018*.

sign see advertising device.

stock has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011.*

street front boundary —

(a) of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and

(b) if premises continuously abut more than 1 road or access restriction strip directly between the premises and a road, the street front boundary dimensions shall be the total length of those boundaries added together; and

(c) if premises have more than 1 street front boundary that is not continuous, each street front boundary is to be considered separately.

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

trade waste has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vermin means—

(a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and

(b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but

(c) does not include—

(i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or

(ii) a local government public health risk.

waste has the meaning given in the *Waste Reduction and Recycling Act*

~~*2011Environmental Protection Act 1994*~~.

water supply system has the meaning given in the ~~*Standard Plumbing and Drainage Regulation*~~ *Act* ~~*2003*~~*2018*.

zoonosis means infectious diseases which are naturally transmitted from vertebrate animals to human.

Part 2 Approvals for prescribed activities

5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the prescribed activities listed in schedule 1.

6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

(a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and

(b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and

(c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

7 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 3 are non-transferable.

8 Prescribed complementary accommodation—Authorising local law, schedule 1

For the purposes of the definition of ***complementary accommodation*** in schedule 1 of the authorising local law, the accommodation listed in schedule 4 is prescribed as appropriate for caravan parks.

9 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of ***road*** in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the

authorising local law applies unless otherwise provided in the local law.

10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2

For the purposes of paragraph (c) of the definition of ***regulated activities on local government controlled areas and roads*** in part 2 of schedule 2 of the authorising local law, the holding of a public place activity listed in schedule 6 is a prescribed activity.

11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

(1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.

(3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.

(4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.

(5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.

(6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.

(7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.

(8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.

(9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

Schedule 1 Prescribed activities that do not require an approval under the authorising local law

Section 5

1. operation of cane railways
2. operation of cemeteries
3. operation of public swimming pools
4. operation of shared facility accommodation

Schedule 2 Categories of prescribed activities for the purposes of maximum penalties

Section 6

Part 1 Category 1 activities

1. commercial use of local government controlled areas and roads
2. establishment or occupation of a temporary home
3. keeping of animals
4. use of a vehicle on an airside area

Part 2 Category 2 activities

1. alteration or improvement to local government controlled areas and roads
2. installation of advertising devices
3. operation of camping grounds
4. operation of caravan parks
5. operation of temporary entertainment events
6. undertaking regulated activities regarding human remains
7. undertaking regulated activities on local government controlled areas and roads
8. carrying out works on a road or interfering with a road or its operation
9. sale or consignment of stock at a saleyard and supply of fodder at a saleyard
10. Installing, removing or replacing a gate or a grid, or a gate and grid, across a road
11. Being a responsible person for a gate or grid, or a gate and grid, across a road.

Part 3 Category 3 activities

Nil

Schedule 3 Categories of approval that are non-transferable

Section 7

1. alteration or improvement to local government controlled areas and roads
2. installation of advertising devices
3. keeping of animals
4. undertaking regulated activities regarding human remains
5. undertaking regulated activities on local government controlled areas and roads
6. carrying out works on a road or interfering with a road or its operation
7. use of a vehicle on an airside area
8. sale or consignment of stock at a saleyard and supply of fodder at a saleyard

Schedule 4 Prescribed complementary accommodation

Section 8

1. manufactured home

Schedule 5 State-controlled roads to which the local law applies

Section 9

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 6 Public place activities that are prescribed activities

Section 10

Not applicable

Schedule 7 Alteration or improvement to local government controlled areas and roads

Section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

Activities that do not require approval under the authorising local law

Not Applicable

Documents and materials that must accompany applications for approval

(1) Full details of the proposed alteration or improvement including plans and specifications.

(2) Details of all building work and other work to be carried out under the approval.

(3) Details of the time and place at which the prescribed activity will be undertaken.

(4) The proposed term of the approval.

(5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.

(6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.

(7) Plans and specifications detailing—

(a) the relevant part of the local government controlled area or road that is to be used for the undertaking of the prescribed activity; and

(b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and

(c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.

Additional criteria for the granting of approval

The alteration or improvement must not—

(a) result in—

(i) harm to human health or safety; or

(ii) property damage or loss of amenity; or

(iii) nuisance; or

(iv) obstruction of vehicular or pedestrian traffic; or

(v) environmental harm; or

(vi) environmental nuisance; or

(b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

Conditions that must be imposed on approvals

No conditions prescribed.

Conditions that will ordinarily be imposed on approvals

(1) The conditions of an approval may—

(a) require compliance with specified safety requirements; and

(b) regulate the time within which the alteration or approval must be carried out; and

(c) specify standards with which the alteration or improvement must comply; and

(d) require the approval holder to—

(i) carry out specified additional work such as earthwork and drainage work; and

(ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the alteration or improvement; and

(iii) give the local government specified indemnities; and

(iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and

(v) remove a structure erected or installed, under the approval, at the end of a stated period; and

(vi) exhibit specified signage warning about the conduct of the prescribed activity.

(2) The conditions of an approval may require the approval holder to take specified measures to—

(a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and

(b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and

(c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

Term of approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

Term of renewal of approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regarding to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Not Applicable	Not Applicable	Not Applicable

Schedule 8 Commercial use of local government controlled areas and roads

Section 11

1. Prescribed activity

Commercial use of local government controlled areas and roads.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) Details of the nature, time and place of the prescribed activity for which the approval is sought.

(2) If the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.

(3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.

(4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity.

(5) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.

(6) Details of the operation of the prescribed activity including—

(a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and

(b) if the goods or services are to be supplied at particular times—the times during which the goods or services will be supplied; and

(c) if goods or services are to be supplied—the method of sale of the goods or services; and

(d) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and

(e) how the applicant proposes to dispose of waste generated by the

operation of the prescribed activity; and

(f) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.

(7) Subsection (8) applies if—

(a) the prescribed activity is to be operated at a place on a local government controlled area or road; and

(b) the place abuts, or is adjacent to, land other than a local government controlled area or road; and

(c) the operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land.

(8) The application must be accompanied by—

(a) the written consent of the occupier of the land to the operation of the prescribed activity at the place; or

(b) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.

4. Additional criteria for the granting of an approval

(1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.

(2) There must be a public demand for the prescribed activity in respect of which the approval is sought.

(3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.

(4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—

(a) the occupier of any land which adjoins the location of the prescribed activity; or

(b) vehicular traffic; or

(c) pedestrian traffic.

(5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.

(6) If the prescribed activity is mobile roadside vending or stationary roadside

vending—

(a) whether the prescribed activity for which the approval is sought is competitive with business activities operated from fixed premises in the local government area; and

(b) whether the business activities operated from the fixed premises are sufficient to meet public demand for the goods or services proposed to be sold as part of the operation of the prescribed activity; and

(c) whether the grant of the approval will result in substantial competition between the applicant for the approval and operators of business activities operated from fixed premises in the local government area; and

(d) whether the goods or services proposed to be sold as part of the operation of the prescribed activity, or similar goods or services, are available for sale from fixed premises near the location of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may require that the approval holder—

(a) limit the activities authorised by the approval to 1 or more of—

(i) a single specified location;

(ii) a number of specified locations;

(iii) a specified area;

(iv) a number of specified areas; and

(b) limit the activities to specified days and times; and

(c) limit the activities to—

(i) a specified period of time; or

(ii) specified periods of time; and

(d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and

(e) take specified measures to protect the safety of persons who may be

involved in, or affected by, the activities authorised by the approval; and

(f) give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and

(g) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and

(h) if the approval authorises the approval holder to use a specified part of a road for the operation of the activity — pay a specified rental to the local government at specified intervals; and

(i) submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised person; and

(j) prominently and permanently display at a specified location each of—

(i) the approval number granted by the local government in numbers not less than 50mm in height; and

(ii) the name and address of the approval holder in letters not less than 75mm in height; and

(k) if the approval relates to an activity on a road—give a written indemnity to the State; and

(l) limit the activities authorised by the approval such that the activities may not be operated within a specified radius of—

(i) fixed premises which sell or offer for sale, the same or similar goods or services; or

(ii) the site of operation of another prescribed activity—

(A) the operation of which is authorised by an approval granted by the local government; and

(B) at which the same or similar goods or services are sold or offered for sale; and

(m) limit the operation of the prescribed activity so that it does not—

(i) create a traffic nuisance; or

(ii) increase an existing traffic nuisance; or

(iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and

(n) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and

(o) ensure that the operation of the prescribed activity does not create a road safety risk; and

(p) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—

(i) in good working order and condition; and

(ii) in a clean and sanitary condition; and

(q) if the approval authorises the operation of a roadside vending activity on a road on specified days—remove the vehicle from the road after the close of business each day unless otherwise specified by the local government.

(2) If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder—

(a) limit the operation of the activity to—

(i) a specified vehicle; or

(ii) a number of specified vehicles; and

(b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.

(c) not—

(i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or

(ii) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or

(iii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and

(d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and

(e) produce the vehicle for inspection by an authorised person—

(i) prior to commencement of the prescribed activity; and

(ii) when required by the authorised person; and

(f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and

(g) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and

(h) not operate the activity in a manner which is, or may be, a risk to road safety; and

(i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and

(j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and

(k) for waste generated by the operation of the activity—

(i) only dispose of the waste—

(A) in a safe and sanitary manner; and

(B) in a manner which maintains the vehicle and its surrounds in a clean, tidy, sanitary and hygienic condition; and

(ii) not dispose of the waste—

(A) so as to attract pests; or

(B) into a water course; or

(C) at another location other than a location properly intended for the receipt of the waste.

(3) If the prescribed activity is footpath dining, the conditions of the approval may also require that the approval holder—

(a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, a registered café, restaurant,

takeway food shop or similar premises which are operated by the approval holder (***principal premises***); and

(b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and

(c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and

(d) limit the operation of the activity to the normal business hours of the principal premises; and

(e) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and

(f) keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the activity at all times in a clean, sanitary and tidy condition; and

(g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and

(h) not place or display any sign or device advertising the activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the footpath for that purpose; and

(i) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an authorised person; and

(j) only use furniture in the area identified in the approval which is—

(i) aesthetically acceptable to the local government; and

(ii) kept in a proper state of repair; and

(k) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and

(l) regularly clean the area identified in the approval—

(i) during business hours for the principal premises; and

(ii) daily, after the close of business of the principal premises.

(4) If the prescribed activity is the display of goods for sale on a footpath, the conditions of the approval may also require that the approval holder—

(a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, retail premises which are operated by the approval holder (also ***principal premises***); and

(b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and

(c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and

(d) limit the operation of the activity to the normal business hours of the principal premises; and

(e) only use, for the purposes of display of the goods for sale, a structure which is—

(i) of safe construction; and

(ii) in good condition and repair; and

(iii) securely fixed to the footpath; and

(f) only display goods for sale if the goods are in an orderly and sightly condition; and

(g) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder; and

(h) remove all goods, and any structure designed for the display of the goods for sale, when the principal premises are not open for business.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

(3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) The term for which an approval may be renewed or extended must not exceed 1 year.

(3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

9. Definitions for this Schedule

In this Schedule –

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995.*

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

mobile roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

(a) the operator travels from place to place; and

(b) the operator supplies the goods or services to a customer in response to the customer waiving down the operator.

principal premises has the meaning given in ~~schedule 1,~~ section 6(3)(a) and 6(4)(a) of this Schedule.

sale includes —

(a) to sell; and

(b) sell for resale; and

(c) offer, or expose for sale; and

(d) agree or attempt to sell; and

(e) receive, keep or have in possession for sale; and

(f) cause or permit to be sold or offered or exposed for sale; and

(g) provide a sample; and

(h) barter; and

(i) auction; and

(j) supply or have available for supply; and

(k) suffer or permit any of the above acts.

stationary roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

(a) the operator carries on the activity from—

(i) a specified place; or

(ii) a number of specified places; but

(b) the activity is not footpath dining.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Not Applicable	Not Applicable	Not Applicable

Schedule 9 Establishment or occupation of a temporary home

Section 11

1. Prescribed activity

Establishment or occupation of a temporary home

2. Activities that do not require an approval under the authorising local law

(1) The establishment of a temporary home on land upon which exists a permanent residence, if the owner of the temporary home or, when the owner of the temporary home cannot be located, the owner of the land upon which the temporary home is established, proves to the satisfaction of an authorised person that the temporary home—

(a) is merely being stored on the land; and

(b) is not being used as a place of residence; and

(c) is being occupied by a guest of the owner of the subject land for a period not exceeding 31 days.

(2) The establishment of a temporary home on vacant land which does not contain a permanent residence, if the owner of the temporary home or, when the owner of the temporary home cannot be located, the owner of the land upon which the temporary home is established, proves to the satisfaction of an authorised person that the temporary home—

(a) is occupied less than 3 months in any calendar year; and

(b) is not used to derive any income;

(c) is located in a Rural Zone under Council's Planning Scheme.

3. Documents and materials that must accompany an application for an approval

(1) A drawing showing the design and dimensions of the proposed temporary home.

(2) Details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home.

(3) Details of the location of the temporary home.

(4) If the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.

(5) Details of the name of each person who is to occupy the temporary home.

(6) Details of the operation of the proposed temporary home including cooking, toilet, bathing, laundry, water storage and refuse facilities.

(7) In addition to (1) – (6) above, if~~If~~ a permanent residence or permanent structure is proposed to be constructed on ~~the~~ vacant land that does not contain a permanent residence the subject of the application—a copy of the development approval for the permanent residence or permanent structure.

(8) In addition to (1) – (7) above, I~~i~~f the applicant or another person is to live on site during construction of a permanent residence or permanent structure on ~~the~~ land then the following will be required—

(a) an independent itemised valuation of the construction cost (of both the proposed temporary home and the permanent residence or permanent structure) including an itemised valuation based on recognised current building industry rates covering all areas that are applicable to the construction of the temporary home and the permanent residence or permanent structure including, without limitation, the outstanding cost of purchase of the land, the cost of construction of the proposed temporary home and the cost of construction of the proposed permanent residence or permanent structure.

~~(9)~~ (b) Proof that the financial resources of the applicant are such that the applicant is capable of funding the construction of the temporary home and the permanent residence or permanent structure.

~~(10)~~ (c) If the applicant is an owner/builder—verification that the cash flow of the applicant will be sufficient to fund the construction of each of the temporary home and the permanent residence or permanent structure.

~~(11)~~ (d) If the applicant is an owner/builder—evidence that the applicant is registered as an owner/builder with the Queensland Building and Construction Commission~~Services Authority~~.

~~(12)~~ (e) A progress chart or similar timetable showing significant milestones during the process of construction of each of the temporary home and the permanent residence or permanent structure so as to enable the term of the proposed approval to be fixed by the local government.

(9) In addition to (1) – (6) above, if the applicant or another person is to live on site during the repair of an uninhabitable or non-compliant residence then such information as is reasonably required in order to demonstrate the repairs that will be undertaken or approvals that will be obtained.

(10) Any other information in addition to the above that may be reasonably requested.

4. Additional criteria for the granting of an approval

(1) The temporary home will not be occupied as a place of residence permanently or for an indefinite period.

(2) The applicant proposes, within the period for which the approval is granted—

(a) to erect, or convert an existing structure into, a permanent residence; or

(b) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence.

(3) An adequate source of water will be available to the proposed temporary home.

(4) Adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.

(5) The temporary home must be located on the land in such a way as to not impact adversely on the amenity of the owner or occupier of any adjoining land.

(6) The local government may refuse an application for an approval on the ground that—

(a) the applicant has not made a genuine application for a development approval for—

(i) the proposed erection of, or conversion of an existing structure into, a permanent residence; or

(ii) the proposed building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; or

(b) a development approval has been granted but is likely to expire before building work to be carried out under the approval has been completed; or

(c) the application is for a second proposed temporary home, unless there are exceptional circumstances and a short period of time is sought.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may—

(a) regulate the design, dimensions, construction, and external appearance of the temporary home including any siting and screening requirements; and

(b) require the provision of specified facilities for cooking, personal hygiene and sanitation, and for washing and drying clothes; and

(c) require the approval holder to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and

(d) regulate the requirements for the disposal or discharge of stormwater, greywater, blackwater, waste-water and refuse from the temporary home; and

(e) require the approval holder to dismantle and remove the temporary home by a specified date;

(f) require the approval holder to keep the temporary home in good order and repair;

(g) require the approval holder to ensure that the temporary home is not unsightly or unhygienic and is kept in a clean, tidy and good condition, free of rubbish, weeds and long grass; and

(h) restrict the number of persons who may occupy the temporary home; and

(i) require the approval holder to advise the local government of any change of the name of the persons who are occupying the temporary home; and

(j) require any other condition necessary to ensure the temporary home does not pose any health, safety or other risk;

(k) require any other condition necessary to ensure any impacts from the temporary home does not cause a nuisance or otherwise affect the amenity of the neighbourhood in which it is located;

(l) permit Council officers to inspect the temporary home at any reasonable time to assess compliance.

(2) All water supplied for domestic purposes to the temporary home must be potable water with all plumbing lines buried or securely clipped to prevent trip or safety hazards.

~~(3) All sewerage and waste water from the temporary home must be discharged safely.~~

7. Term of an approval

(1) An approval may be granted for a term of:

(a) up to 18 months if the approval relates to the occupation of a temporary home during the construction or repair of a residence;

(b) up to 12 months if the approval relates to the occupation of a temporary home on land where a permanent residence already exists;

(c) up to 31 days in any calendar year if the approval relates to the occupation of a temporary home on vacant land which does not contain a permanent residence, and is not otherwise exempted from an approval under 2(2) above.~~.~~

(2) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.

(3) The term of an approval must not exceed the lawful period of the development approval for the permanent residence or permanent structure.

(4) The term of the approval must be specified in the approval.

(5) In any event, the term of an approval comes to an end on the earlier of—

(a) the date on which the term of the approval ends; and

(b) the date on which the permanent residence or proposed permanent residence becomes fit for occupation as a place of residence.

8. Term of renewal of an approval

(1) An approval cannot be renewed.

(2) However, the local government may extend the term of an approval to coincide with the expected completion date of the building work for the erection or alteration of, or conversion of an existing structure into, a permanent residence that is, when the application for extension is made, and likely to be completed within a reasonable time.

Table 1 – Third party certification

Column 1	Column 2	Column 3

Application requirement	Individuals or organisations that are third party certifiers	Qualifications necessary to be a third party certifier
Consistency of the proposed operation and management of the activity with the criteria in section 4(3) and (4) of this schedule.		A builder's licence (of the class BLR, BMR, BO or BPMS) issued by the Building Services authority OR A plumber's license issued by the Plumbers and Drainers Board

Schedule 10 Installation of advertising devices

Section 11

1. Prescribed activity

Installation of advertising devices[1].

2. Activities that do not require an approval under the authorising local law

(1) An approval is not required under the authorising local law for the prescribed activity if—

(a) the activity is the installation of advertising devices for a permitted ~~, erection or display of a permitted~~ advertisement that is visible from a road or other public place; or

(b) under the planning scheme of the local government, the prescribed activity is identified as—

(i) self assessable development; or

(ii) code assessable development; or

(iii) impact assessable development.

(2) A permitted advertisement is an advertising device that is visible from a road or other public place which is—

(a) defined in schedule ~~3~~10.1; and

(b) installed, erected and displayed in accordance with the prescribed criteria in schedule ~~3~~10.1; and

(c) installed, erected and displayed in accordance with the general criteria specified in schedule 10.24.

3. Documents and materials that must accompany an application for an approval

(1) Full details of the proposed advertising device including—

(a) the name and address of the premises at which the proposed advertising device will be installed; and

(b) the name and address of the person responsible for the installation of the advertising device; and

---

[1] Note this Subordinate Local Law does not apply to how-to-vote cards or election signs – see Section 36 of the Local Government Act 2009.

(c) the name and address of any business which will be advertised on the advertising device.

(2) Details of all building work and other work to be carried out under the approval.

(3) Details of the time and place at which the prescribed activity will be undertaken.

(4) The proposed term of the approval.

(5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.

(6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.

(7) Plans and specifications detailing—

(a) the location of the proposed advertising device; and

(b) each item of equipment to be used in the installation, erection or display of the proposed advertising device; and

(c) the type and location of any utility, service or infrastructure to be used in the installation, erection or display of the proposed advertising device; and

(d) particulars of the content, design, dimensions and construction of the proposed advertising device; and

(e) a site plan, to scale, of the proposed advertising device; and

(f) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and

(g) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and

(h) a pictorial representation of the proposed advertising device.

4. Additional criteria for the granting of an approval

(1) The conduct of the prescribed activity must not—

(a) result in—

(i) harm to human health or safety; or

(ii) property damage or loss of amenity; or

(iii) nuisance; or

(iv) obstruction of pedestrian or vehicular traffic; or

(v) environmental harm; or

(vi) environmental nuisance; or

(vii) a potential road safety risk; or

(b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or

(c) significantly obstruct the view of any premises.

(2) The installation, erection and display of the proposed advertising device must comply with the general criteria specified in schedule 410.2.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) Council may grant an approval on any conditions Council considers appropriate.

(2) The conditions of an approval may—

(a) require compliance with specified safety requirements; and

(b) regulate the time within which the prescribed activity must be carried out; and

(c) specify standards with which the undertaking of the prescribed activity must comply; and

(d) require the approval holder to—

(i) carry out specified additional work such as earthwork and landscaping; and

(ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and

(iii) give the local government specified indemnities; and

(iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and

(v) remove a structure erected or installed, under the approval, at the end of a stated period; and

(vi) exhibit specified signage warning about the conduct of the prescribed activity; and

(vii) construct the advertising device from specified materials; and

(viii) maintain the advertising device in good order and repair; and

(ix) install the advertising device at a specified location, or in a specified manner; and

(x) take specified measures to illuminate, or control the illumination of, the advertising device; and

(xi) restrict the dimensions of the advertising device.

(~~2~~3) The conditions of an approval may require the approval holder to take specified measures to—

(a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and

(b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and

(c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regarding to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

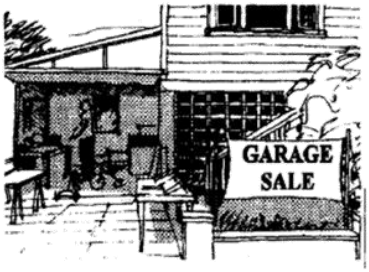
Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 10.1 Definitions and prescribed criteria for installation, erection and display of advertising devices

Schedule ~~1~~10, section 2(2)(a) and (b)

1 Garage sale sign



(1) A ***garage sale sign*** is an advertising device of a temporary nature which—

(a) advertises a garage sale; and

(b) is displayed for directional purposes.

(2) The criteria prescribed for a garage sale sign are—

(a) the advertising device may only be placed on rateable land other than a public place; and

(b) the advertising device must not have a face area in excess of $0.6m^2$; and

(c) the advertising device must be located in the vicinity of the garage sale; and

(d) the advertising device must be limited to a number reasonably necessary to identify the route to the garage sale; and

(e) the advertising device may only be displayed on the day of the garage sale; and

(f) the advertising device must not be located so as to cause a pedestrian or vehicular hazard.

2 Mobile sign



(1) A ***mobile sign*** —

(a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; and

(b) includes an A-frame sign and a sandwich board; but

(c) does not include a free-standing sign or a real estate sign.

(2) The criteria prescribed for a mobile sign are—

(a) the face area of the advertising device must not exceed ~~2.5~~1m^2 on either side of the advertising device; and

(b) the display of mobile signs must not exceed 1 advertising device for each shop or business fronting a road; and

(c) where the advertising device advertises a particular shop or business, the advertising device must identify the shop or business; and

(d) the advertising device may only be placed on the premises of the shop or business it is advertising or promoting on a local government controlled area or a road if—

(i) no part of the advertising device protrudes more than 1m from the street front boundary of the premises; and

(ii) the advertising device is not a hazard to pedestrian or vehicular traffic; and

(iii) the advertiser takes out and maintains public liability insurance cover in an amount not less than $~~10~~20,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and

(e) the advertising device must be—

(i) placed so as to minimise visual clutter; and

(ii) kept erect and maintained in a good state of repair at all times; and

(iii) secured so as to prevent danger to pedestrian and vehicular traffic in windy conditions; and

(f) the number of face areas of the advertising device must not exceed 2; and

(g) the advertising device must not be illuminated.

3 Real estate sign



(1) A ***real estate sign*** is a temporary, non-illuminated advertising device which promotes the sale, auction, lease or letting of premises.

(2) The criteria prescribed for a real estate sign (other than a directional real estate sign) are—

(a) the advertising device must not—

(i) interfere with the safe and convenient passage of pedestrians; or

(ii) detract from the amenity of the area in which it is situated or unreasonably obstruct existing views; and

(b) the advertising device may be double sided; and

(c) the advertising device must not have a face area in excess of $0.6m^2$; and

(d) the number of real estate signs displayed at premises must not exceed 1 sign for each agent marketing the premises up to a maximum of 3 signs; and

(e) as an alternative to paragraphs (b) to (d) inclusive, an advertiser may display 1 sign having a maximum face area of $2.4m^2$ at the premises; and

(f) the advertising device must not be displayed for—

(i) more than 14 days after the sale of the premises identified in the advertising device; or

(ii) more than 6 months in any 12 month period; and

(g) the advertising device must be kept erect and maintained in a good state of repair at all times; and

(h) if a high fence, foliage or the like obscures the advertising device, it must be located as close as practicable to the street front boundary of the premises.

(3) The criteria prescribed for a directional real estate sign are—

(a) if the advertising device is displayed on land which is not a public place—

(i) a maximum of 3 advertising devices may be displayed; and

(ii) the face area of each advertising device must not exceed 0.6m^2; and

(iii) the advertising device—

(A) must only be displayed on the day on which the premises offered for sale are open for public inspection or offered for sale by auction; and

(B) must be located in close proximity to the premises; and

(b) the advertising device must not be displayed on a road except subject to approval of an authorised person.

4 Roadside directional sign



(1) A ***roadside directional sign*** is an advertising device located on a road related area to advertise an open house day, estate, development or auction of premises which are difficult to locate.

(2) The criteria prescribed for a roadside directional sign are—

(a) the advertising device must—

(i) not have a face area in excess of 0.6m^2; and

(ii) be located in the vicinity of the auction, estate, development or open-house advertised on the advertising device; and

(iii) not be displayed on a median strip, roundabout, traffic island, pole, post or any other structure on a road reserve except as approved by an authorised person; and

(b) not more than 5 roadside directional signs may be displayed by a licensed real estate agent; and

(c) the advertising device must at all times display a reference to the registered real estate office responsible for the display of the advertising device; and

(d) the advertising device must not cause a hazard to pedestrian or vehicular traffic; and

(e) the advertising device must not be displayed on a motorway or a limited access road; and

(f) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less then $~~1~~020,000,000.00

against claims for personal injury and property damage resulting from the display of the advertising device; and

(g) a roadside directional sign may only be placed on a road reserve between 6.00pm on Friday and 6.00pm on the following Sunday; and

(h) roadside directional signs must be used together, or in sequence, to direct people to premises which are the subject of an auction, estate, development or open-house and must be located within a reasonable distance of the premises.

Schedule 10.2 General criteria for installation, erection and display of advertising devices

Schedule ~~1~~10, section 2(2)(c)

1. This schedule specifies general criteria for the installation, erection and display of advertising devices.

2. The advertising device must—

(a) not cause a nuisance; and

(b) be kept and maintained at all times in good order and repair, and free of graffiti.

3. The activity being advertised on the advertising device must be able to be lawfully conducted on the relevant premises.

4. The advertising device must be structurally sound.

5. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.

6. The advertising device must be of high design quality.

7. The face area of the advertising device must be appropriate for the location.

8. The height of the advertising device must be appropriate for the location.

9. The advertising device must not cause damage to public infrastructure.

10. The advertising device must be consistent with applicable environmental standards.

11. An illuminated advertising device must not be positioned so as to create glare or a nuisance to pedestrian or vehicular traffic.

12. The size and scale of the advertising device, whether attached to a building or free-standing, must be appropriate to the size and scale of the building (if any) and of the premises where it is erected or to be erected and the advertising device must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land on which it is to be displayed.

13. Where numerous small advertising devices are located adjacent to one another, the number, size, position and height of each advertising device must be limited to avoid visual clutter.

14. To avoid visual clutter, where more than 1 tenant or business occupies a building or attached premises, advertising devices located on the building, or free-standing signs, must be harmonious and co-ordinated in size and height.

15. The face area and size of an advertising device must be compatible with predominant land uses, the built environment and the orientation of the premises with respect to adjacent roads and buildings.

16. The advertising device must be harmonious with the architectural style and

character of the location.[2]

17. The advertising device must blend with landscaping and street features of the location.[3]

[2] Where particular areas have unique or special characteristics which may affect advertising device requirements, separate guidelines or variations may be applied.

[3] Where additional treatment may enhance the compatibility of an advertising device, such treatment may be required.

Schedule 11 Keeping of animals[4]

Section 11

1. Prescribed activity

Keeping of animals.

2. Activities that do not require an approval under the authorising local law

The keeping of animals at an animal entertainment park or an animal sanctuary.

3. Documents and materials that must accompany an application for an approval

(1) An application detailing—

(a) the species, breed, age and gender of each animal for which the approval is sought; and

(b) the number of animals to be kept and any reasons; and

(c) the nature of the premises at which the animal or animals are to be kept; and

(d) the area, or the part of the area, in which the animal or animals are to be kept; and

(e) the materials out of which any enclosure in which the animal or animals to be kept is (or is to be) constructed and any other details of the enclosure; and

(f) the location of the enclosure on the premises; and

(g) the name of each person who is to occupy any residence located on the premises on which the animal or animals are to be kept.

(2) Proof that the applicant currently holds any development approval relating to the prescribed activity that is required under the ~~*Sustainable*~~ *Planning Act* ~~*2009*~~.

(3) If the applicant is not the owner of the premises on which the animal or animals are to be kept — the written permission of the owner of the premises to the keeping of the animal or animals on the premises.

(4) Where the animal or animals are to be kept on multi-residential premises

[4] See also Subordinate Local Law No. 2 (Animal Management) 2011

and the keeper of the animal or animals is entitled to make use of an area used in common with others (a ***common area***) for the purpose of keeping the animal or animals — the written permission of the person or body which manages or controls the common area to use the common area for the purpose of keeping the animal or animals.

(5) If an animal the subject of the application is required to be registered under the Animal Management Act — evidence that the animal is currently registered with the local government.

(6) A drawing showing the design and dimensions of any enclosure in which the animal or animals are to be kept.

4. Additional criteria for the granting of an approval

(1) Whether the premises on which the animal or animals are to be kept is appropriately sized so that the animal or animals can be effectively and comfortably kept on the premises.

(2) Whether a residence exists on the premises.

(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2011*.

(4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.

(5) Whether the animal or animals will be properly supervised.

(6) If the application relates to the keeping of dogs or cats — whether the animals identified in the application are registered with the local government.

(7) If section 14 of the Animal Management Act applies to the applicant for the approval — whether the applicant has complied with the requirements of the section.

(8) Whether the applicant is a suitable person to hold the approval.

(9) Whether the grant of the approval for the prescribed activity on the premises is likely to —

(a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or

(b) affect the amenity of the surrounding area; or

(c) have a deleterious effect on the local environment or cause pollution or other environmental damage.

(10) If the application relates to the keeping of cats —

(a) whether the cats have been desexed; and

(b) whether the cats have been fitted with an approved microchip.

(11) If the application relates to the keeping of an animal or animals on multi-residential premises —

(a) whether the applicant is entitled to make use of a common area; and

(b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and

(c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.

(12) Where the animal or animals are to be kept on premises other than multi-residential premises and the applicant is not the owner of the premises — whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.

(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions that will ordinarily be imposed on an approval to keep dogs on premises are—

(a) a condition requiring that the approval holder take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and

(b) a condition requiring that the approval holder ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises; and

(c) a condition requiring that the approval holder ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised

person; and

(d) a condition requiring that the approval holder ensure that any enclosure in which the dogs are kept is maintained in—

(i) a clean and sanitary condition and disinfected regularly; and

(ii) an aesthetically acceptable condition; and

(e) a condition limiting the approval to the dogs identified in the approval.

(2) The conditions that will ordinarily be imposed on an approval to keep cats on premises are—

(a) a condition requiring that each cat be fitted with an approved microchip; and

(b) a condition limiting the approval to the cats identified in the approval; and

(c) a condition requiring the approval holder to—

(i) desex each cat within 3 months of the issue of the approval if the cat is aged 6 months or over; and

(ii) otherwise, desex each cat within 3 months after the cat reaches 6 months of age; and

(iii) produce to the local government evidence, by way of, for example, a statutory declaration, that the cat has been desexed.

(3) The conditions that will ordinarily be imposed on an approval to keep an animal (other than a dog or a cat) are—

(a) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*; and

(b) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the approval.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

(3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) The term for which an approval may be renewed or extended must not exceed 1 year.

(3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

9. Definitions for this Schedule

In this Schedule –

animal entertainment park means a public place which includes, as part of its entertainment, the exhibiting of animals for the amusement or entertainment of the public.

Animal Management Act has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

animal sanctuary means a park, reserve or other place used for the preservation, protection or rehabilitation of animals.

approved microchip (for an animal)—

(a) means a microchip which—

(i) is capable of being read by the local government's microchip reader; and

(ii) bears and electronic code which permanently identifies the animal for identification purposes; and

(b) includes a prescribed permanent identification device.

common area has the meaning given in ~~schedule 1,~~ section 3(4) in this Schedule.

multi-residential premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

owner (of an animal) has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

owner (of land) includes—

(a) the registered proprietor of freehold land; and

(b) the purchaser of land to be held as freehold land that is being purchased from the State under an Act; and

(c) the holder of a leasehold interest from the State; and

(d) the holder of a mining claim or a mining lease to which the *Mineral Resources Act 1989* applies; and

(e) another person who is entitled to receive the rent for the land.

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

prescribed permanent identification device has the meaning given in the Animal Management Act.

premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

proper enclosure has the meaning given in *Local Law No. 2 (Animal Management) 2011* as detailed in Schedule 8 of *Subordinate Local Law No. 2 (Animal Management) 2011*.

public place has the meaning given in *Local Law No. 1 (Administration) 2011*.

registered has the meaning given in the Animal Management Act.

residence has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Not Applicable	Not Applicable	Not Applicable

Schedule 12 Operation of camping grounds and caravan parks

Section 11

1. Prescribed activity

Operation of camping grounds and/or caravan parks

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) If the applicant is not the owner of the place at which the camping ground and/or caravan park is to be operated—the written consent of the owner to the application.

(2) The name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park.

(32) A plan of the proposed camping ground and/or caravan park which must be drawn to scale showing—

(a) the land comprising the camping ground and/or caravan park and its location and real property description; and

(b) the boundaries of the camping ground and/or caravan park; and

(c) the division of the camping ground and/or caravan park into camp sites, including—

(i) the location and number of potential camp or caravan sites with each site clearly defined and bearing a distinguishing mark or number; and

(ii) the separation distance between each camp or caravan site; and

(iii) the number of persons who, it is intended, may occupy each camp or caravan site; and

(d) the location of each road and building situated within the camping ground and/or caravan park; and

(e) details of the water supply system, including the position of all water points; and

(f) the position of all waste containers; and

(g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and

(h) details of the on-site sewerage facilities and the waste water disposal system; and

(i) the position of all fire places; and

(j) the nature and position of—

(i) all fire safety installations; and

(ii) all electrical installations; and

(iii) all food preparation areas; and

(iv) all recreational facilities; and

(v) all car parking facilities.

(~~3~~4) Details of the facilities for sanitation, washing and laundry to be provided for users of the camping ground and/or caravan park.

(5) Details of water quality, reticulation and drainage facilities to be provided for users of the camping ground and/or caravan park.

(6) Details of the maximum number of persons who can be accommodated at—

(a) the caravan park; and

(b) each site within the caravan park.

(~~7~~5) Details of the rules which will govern the use of the camping ground and/or caravan park, including rules which prohibit or restrict the keeping of dogs at the camping ground and/or caravan park.

(~~8~~6) If the camping ground and/or caravan park is operating when the application is submitted to the local government — a current certificate of compliance issued under the *Fire ~~and Rescue~~ Service~~s~~ Act 1990*.

(~~9~~7) If the camping ground and/or caravan park is operating when the application is submitted to the local government — a current certificate of testing and ~~compliance~~ safety issued under the *Electricity Safety ~~Act~~ Regulation ~~2002~~2013*.

4. Additional criteria for the granting of an approval

(1) The operation of the camping ground and/or caravan park must be lawfully conducted on the premises.

(2) The operation of the camping ground and/or caravan park must not produce—

(a) environmental harm; or

(b) environmental nuisance; or

(c) inconvenience or annoyance to the occupiers of any adjoining land.

(3) All facilities at the camping ground and/or caravan park must be—

(a) of an acceptable standard; or

(b) able to be brought to an acceptable standard,

for use by residents of the camping ground and/or caravan park.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

(1) The operation of the camping ground and/or caravan park must not detrimentally affect the amenity of adjoining land.

(2) The operation of the camping ground and/or caravan park, including any premises, building, structure, vehicle, facility, equipment or fixture must be maintained in—

(a) good working order and condition; and

(b) a clean, safe and tidy condition.

(3) Provision must be made for people and vehicles to enter and exit the camping ground and/or caravan park safely.

(4) The approval holder must:

(a) provide and maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene;

(b) cause hot and cold water to be reticulated to every shower, bath and hand basin

(5) The water supply for drinking purposes must be potable water.

(6) The approval holder must ensure that, if water obtained from a particular water outlet in the camping ground and/or caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "Unsuitable for Drinking".

(7) The approval holder must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the camping ground and/or caravan park, including—

(a) at least 2 showers or baths (in separate cubicles) for each sex, for every 15 individual ~~camp~~ sites (within the camping ground and/or caravan park); and

(b) at least 1 handbasin for every 4 shower cubicles (or baths) for each sex; and

(c) shower (or bath) cubicles must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and

(d) for water closets—for every 12 individual ~~camp~~ sites (within the camping ground and/or caravan park)—

(i) for males—at least 2 water closet pedestals and 0.9 metres of urinal stall; and

(ii) for females—at least 4 water closet pedestals.

(8) If bed linen is supplied—

(a) keep it in a clean and sanitary condition; and

(b) replace it with clean bed linen after each change of occupation of the ~~camp~~ site.

(9) All materials of a hazardous or dangerous nature which are used in the operation of the camping ground and/or caravan park must be stored and used in a safe manner.

(10) Facilities for the disposal of waste must be—

(a) sufficient to accommodate the collection and storage of all waste generated as part of the operation of the camping ground and/or caravan park; and

(b) provided in the manner, and at the locations, specified by the local government.

(11) The local government may limit the number of persons who may occupy a camp or caravan site and require the approval holder to—

(a) ensure that the limit is displayed on a notice erected in a prominent position at the camping ground and/or caravan park; and

(b) take appropriate action to ensure that the limit is not contravened.

(12) The approval holder must keep and maintain a register which details—

(a) the name and address of each person who hires a camp or caravan site; and

(b) an identifying number for the site; and

(c) if any vehicle is bought on to the site—

(i) the registration number of the vehicle; and

(ii) the dates when the hiring of the site begins and ends.

(13) The approval holder must, at the request of an authorised person, produce the register for inspection.

(14) The approval holder must not permit or allow the occupation of a camp or caravan site by more persons than the limit fixed for the site under the conditions of an approval.

(15) The approval holder must not permit or allow a person to bring on to a camp or caravan site a tent or other type of accommodation that is not fit for human habitation.

(16) The approval holder must keep and maintain all buildings, playground areas and equipment used for recreational purposes at the camping ground and/or caravan park in a safe and proper condition.

(17) The approval holder must not, unless the local government agrees in writing, change the camp or caravan sites at the camping ground and/or caravan park by—

(a) adding to the existing sites; or

(b) changing the position or boundaries of a site.

(18) The approval holder must not change any building, structure or facility at the camping ground and/or caravan park by—

(a) adding new buildings, structures or facilities; or

(b) removing existing buildings, structures or facilities; or

(c) changing the position of any building, structure or facility.

(19) However, subsections (17) and (18) do not apply if the proposed change constitutes development under the ~~*Sustainable* *Planning Act 2009*~~.

(20) The operation of the camping ground and/or caravan park must not—

(a) create a traffic problem; or

(b) increase an existing traffic problem; or

(c) detrimentally affect the efficiency of an existing road network.

(21) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the camping ground and/or caravan park if the bell, system or device causes a nuisance or annoyance to any person.

(22) The operation of the camping ground and/or caravan park must not attract fly breeding or vermin infestation.

(23) In the operation of the camping ground and/or caravan park the approval holder must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience.

(24) The approval holder must dispose of all waste generated as part of the operation of the camping ground and/or caravan park in a manner which maintains the operation of the camping ground and/or caravan park and its surrounds in a clean, tidy, sanitary and hygienic condition.

(25) Signage used in the operation of the camping ground and/or caravan park must be exhibited in a manner, and at the locations, specified by the local government.

(26) Each camp or caravan site used as part of the operation of the camping ground and/or caravan park must be individually numbered and described in the manner specified by the local government.

(27) The local government may prescribe rules which govern the use of the camping ground and/or caravan park and require the approval holder to ensure compliance with the rules by each user of the camping ground and/or caravan park.

(28) The rules which govern the use of the camping ground and/or caravan park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the camping ground and/or caravan park.

(29) The approval holder must—

(a) not locate or permit accommodation to be located at any place within the camping ground and/or caravan park other than on a site approved by the local government under this subordinate local law; and

(b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and

(c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate.

(30) The approval holder must—

(a) unless an accommodation is fitted with a set of twin wash tubs and a clothes washing machine or washing boiler— provide for the exclusive use of the occupants of the accommodation, laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine or washing boiler and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part of a site; and

(b) provide a waste water disposal point which is—

1. provided with a water stand pipe; and

2. provided with an impervious paved area measuring not less than 1m by 1m and graded to a central drainage inlet which is connected to a sewerage system; and

(c) not erect or locate an accommodation or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and

(d) if the local government has approved a site layout plan for the camping ground and/or caravan park — cause each site to be clearly defined and legibly marked in accordance with the plan; and

(e) not erect an accommodation or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and

(f) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and

(g) cause sanitary conveniences and ablutionary facilities to be located—

1. not more than 100 m from any site; and

2. at least 6 m from any site; and

(h) provide and maintain specified recreational facilities; and

(i) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the camping ground and/or caravan park; and

(j) provide and maintain lighting at the camping ground and/or caravan park —

1. to a specified standard; and

2. during specified hours.

(31) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the camping ground and/or caravan park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.

(32) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.

(33) The approval holder must ensure that no accumulation, aggregation or proliferation of—

(a) discarding or disused machinery, goods or wares; or

(b) waste, refuse, scrap, bottles or second hand materials of any description; or

(c) dead, overgrown or untended trees or vegetation,

occurs on any part of the caravan park.

(34) The approval holder must not permit a person who occupies a site or complementary accommodation at the camping ground and/or caravan park to engage in any business, trade or occupation within—

(a) the site; or

(b) the complementary accommodation; or

(c) the camping ground and/or caravan park.

(35) The local government may specify conditions applying to the operation of the camping ground and/or caravan park including—

(a) times and days for administration of the arrival and departure of

hirers of accommodation at the camping ground and/or caravan park; and

(b) conditions of stay; and

(c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and

(d) conditions applying to the use of any facilities or services of the camping ground and/or caravan park; and

(e) the prohibition of specified activities.

(36) The local government may require that the approval holder direct a person to leave the camping ground and/or caravan park forthwith, or within a specified time, where the person is found to be—

(a) acting in a disorderly or objectionable manner; or

(b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other camping ground and/or caravan park users.

(37) The local government may require that the approval holder remove from the camping ground and/or caravan park a caravan which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

(3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) The term for which an approval may be renewed or extended must not exceed 1 year.

(3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

9. Definitions for this Schedule

In this Schedule –

accommodation means—

(a) a caravan; or

(b) a complementary accommodation.

cabin means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

camp site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

commercial camping ground means land that is made available, on a commercial basis, for camping but does not include a caravan park.

manufactured home has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003.*

occupant (of accommodation) means a person who resides at the accommodation.

premises means the premises used for the operation of the camping ground *and/or caravan park*.

relocatable home means a Class 1 or Class 3 building under the Building Code of Australia as that term is defined in the *Building Act 1975* which is—

(a) constructed away from the site at which it is erected; and

(b) designed to be moved from 1 location to another; and

(c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

resident (of a caravan park) means a person who resides in a caravan or complementary accommodation at the caravan park.

resident manager (of a caravan park) means—

(a) a person nominated by the approval holder and accepted by the local government from time to time who—

(i) is responsible for the management and supervision of the caravan park; and

(ii) resides on or near the caravan park; and

(iii) is present or available at all reasonable times to ensure the operation of the caravan park; and

(b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

site means a part of a caravan park which is designated for a single accommodation of a particular type.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Not Applicable	Not Applicable	Not Applicable

Schedule 13 Operation of cane railways

Section 11

Left intentionally blank

Schedule 14 Operation of caravan parks

Left intentionally blank
See Schedule 12

~~Section 11~~

~~(29) Prescribed activity~~

~~Operation of caravan parks~~

~~(30) Activities that do not require an approval under the authorising local law~~

~~No activities stated.~~

~~(31) Documents and materials that must accompany an application for an approval~~

~~a. If the applicant is not the owner of the place at which the caravan park is to be operated the written consent of the owner to the application.~~

~~b. The name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park.~~

~~c. A plan of the proposed caravan park which must be drawn to scale showing—~~

~~d. the location and real property description of the place at which the caravan park is to be operated; and~~

~~e.~~a. ~~the boundaries of the caravan park; and~~

~~(a) the division of the caravan park into sites, including the location and number of potential sites, with each site clearly defined and bearing a distinguishing mark or number; and~~

~~(b) the location of each road and building situated within the caravan park; and~~

~~(c) details of the water supply system, including the position of all water points; and~~

~~(d) the position of all waste containers; and~~

~~(e) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and~~

(f) details of the on-site sewerage facilities and the waste water disposal system; and

(g) the position of all fire places; and

(h) the nature and position of —

1. all fire safety installations; and
2. all electrical installations; and
3. all food preparation areas; and
4. all recreational facilities; and
5. all car parking facilities.

f. Details of the facilities for sanitation, washing and laundry to be provided for users of the caravan park.

g. Details of water quality, reticulation and drainage facilities to be provided for users of the caravan park.

h. Details of the maximum number of persons who can be accommodated at —

(a) the caravan park; and

(b) each site within the caravan park.

i. Details of the rules which will govern the use of the caravan park, including rules which prohibit or restrict the keeping of dogs at the caravan park.

j. If the caravan park is operating when the application is submitted to the local government — a current certificate of compliance issued under the *Fire and Rescue Service Act 1990*.

k. If the caravan park is operating when the application is submitted to the local government — a current certificate of testing and compliance issued under the *Electricity Safety Act 2002*.

l. In this Schedule —

accommodation means —

(a) a caravan; or

(b) a complementary accommodation.

cabin means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

manufactured home has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

occupant (of accommodation) means a person who resides at the accommodation.

premises means the premises used for the operation of the caravan park.

relocatable home means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

(a) constructed away from the site at which it is erected; and

(b) designed to be moved from 1 location to another; and

(c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

resident (of a caravan park) means a person who resides in a caravan or complementary accommodation at the caravan park.

resident manager (of a caravan park) means—

(a) a person nominated by the approval holder and accepted by the local government from time to time who—

(i) is responsible for the management and supervision of the caravan park; and

(ii) resides on or near the caravan park; and

(iii) is present or available at all reasonable times to ensure the operation of the caravan park; and

(b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

site means a part of a caravan park which is designated for a single accommodation of a particular type.

(32) Additional criteria for the granting of an approval

a. The operation of the caravan park must be lawfully conducted on the premises.

b. The operation of the caravan park must not produce—

(a) environmental harm; or

(b) environmental nuisance; or

(c) inconvenience or annoyance to the occupiers of any adjoining land.

c. All facilities at the caravan park must be—

(a) of an acceptable standard; or

(b) able to be brought to an acceptable standard,

for use by residents of the caravan park.

(33) Conditions that must be imposed on an approval

No conditions stated.

(34) Conditions that will ordinarily be imposed on an approval

a. The operation of the caravan park must not detrimentally affect the amenity of adjoining land.

b. The operation of the caravan park, including any premises, building, structure, vehicle, facility, equipment or fixture must be maintained in —

(a) good working order and condition; and

(b) a clean, safe and tidy condition.

c. Provision must be made for people, vehicles and caravans to enter and exit the caravan park safely.

d. The approval holder must —

(a) provide and maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and

(b) cause hot and cold water to be reticulated to every shower, bath and hand basin.

e. The water supply for drinking purposes must be potable water.

f. The approval holder must ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "Unsuitable for Drinking".

g. The approval holder must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the caravan park, including —

(a) at least 2 showers or baths (in separate cubicles) for each sex, for every 15 individual sites (within the caravan park); and

(b) at least 1 handbasin for every 4 shower cubicles (or baths) for each sex; and

(c) shower (or bath) cubicles must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and

(d) for water closets – for every 12 individual sites (within the caravan park) –

1. for males – at least 2 water closet pedestals and 0.9 metres of urinal stall; and

2. for females – at least 4 water closet pedestals.

h. If bed linen is supplied –

(a) keep it in a clean and sanitary condition; and

(b) replace it with clean bed linen after each change of occupation of the accommodation.

i. All materials of a hazardous or dangerous nature which are used in the operation of the caravan park must be stored and used in a safe manner.

j. Facilities for the disposal of waste must be –

(a) sufficient to accommodate the collection and storage of all waste generated as part of the operation of the caravan park; and

(b) provided in the manner, and at the locations, specified by the local government.

k. The local government may limit the number of persons who may occupy a site and require the approval holder to –

(a) ensure that the limit is displayed on a notice erected in a prominent position at the caravan park; and

(b) take appropriate action to ensure that the limit is not contravened.

l. The approval holder must –

(a) not locate or permit accommodation to be located at any place within the caravan park other than on a site approved by the local government under this subordinate local law; and

(b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and

(c) not permit accommodation to be occupied by more persons

than the accommodation is designed to accommodate.

m. The approval holder must —

(a) unless an accommodation is fitted with a set of twin wash tubs and a clothes washing machine or washing boiler — provide for the exclusive use of the occupants of the accommodation, laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine or washing boiler and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part of a site; and

(b) provide a waste water disposal point which is —

1. provided with a water stand pipe; and

2. provided with an impervious paved area measuring not less than 1m by 1m and graded to a central drainage inlet which is connected to a sewerage system; and

(c) not erect or locate an accommodation or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and

(d) if the local government has approved a site layout plan for the caravan park — cause each site to be clearly defined and legibly marked in accordance with the plan; and

(e) not erect an accommodation or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and

(f) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and

(g) cause sanitary conveniences and ablutionary facilities to be located —

1. not more than 100 m from any site; and

2. at least 6 m from any site; and

(h) provide and maintain specified recreational facilities; and

(i) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the caravan park; and

(j) provide and maintain lighting at the caravan park —

1. to a specified standard; and

2. during specified hours.

n. If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the caravan park is a suitable person to be the resident manager — replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.

o. The approval holder must keep and maintain a register which details —

(a) the name and address of each person who hires a site or complimentary accommodation at the caravan park; and

(b) an identifying number for the site or accommodation; and

(c) if a caravan is brought onto the site — the registration number of the caravan and (if applicable) the vehicle towing it; and

(d) the dates when the hiring of the site or accommodation begins and ends.

p. The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.

q. The approval holder must not permit or allow a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.

Example — a caravan that is not weather proof.

r. The approval holder must not, unless the local government agrees in writing, change the sites at the caravan park by —

(a) adding to the existing sites; or

(b) changing the position or boundaries of a site.

s. The approval holder must not change any building, structure or facility at the caravan park by —

(a) adding new buildings, structures or facilities; or

(b) removing existing buildings, structures or facilities; or

(c) changing the position of any building, structure or facility.

t. However, subsections (18) and (19) do not apply if the proposed

change constitutes development under the *Sustainable Planning Act 2009*.

u. The operation of the caravan park must not —

(a) create a traffic problem; or

(b) increase an existing traffic problem; or

(c) detrimentally affect the efficiency of an existing road network.

v. The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the caravan park if the bell, system or device causes a nuisance or annoyance to any person.

w. The operation of the caravan park must not attract fly breeding or vermin infestation.

x. The approval holder must dispose of all waste generated as part of the operation of the caravan park in a manner which maintains the operation of the caravan park and its surrounds in a clean, tidy, sanitary and hygienic condition.

y. Signage used in the operation of the caravan park must be exhibited in a manner, and at the locations, specified by the local government.

z. The local government may prescribe rules which govern the use of the caravan park and require the approval holder to ensure compliance with the rules by each user of the caravan park.

aa. The rules which govern the use of the caravan park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the caravan park.

bb. The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.

cc. The approval holder must ensure that no accumulation, aggregation or proliferation of —

(a) discarding or disused machinery, goods or wares; or

(b) waste, refuse, scrap, bottles or second hand materials of any description; or

(c) dead, overgrown or untended trees or vegetation,

occurs on any part of the caravan park.

dd. The approval holder must not permit a person who occupies a site or complementary accommodation at the caravan park to engage in any business, trade or occupation within —

(a) the site; or

(b) the complementary accommodation; or

(c) the caravan park.

ee. The local government may specify conditions applying to the operation of the caravan park including —

(a) times and days for administration of the arrival and departure of hirers of accommodation at the caravan park; and

(b) conditions of stay; and

(c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and

(d) conditions applying to the use of any facilities or services of the caravan park; and

(e) the prohibition of specified activities.

ff. The local government may require that the approval holder direct a person to leave the caravan park forthwith, or within a specified time, where the person is found to be —

(a) acting in a disorderly or objectionable manner; or

(b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other caravan park users.

gg. The local government may require that the approval holder remove from the caravan park a caravan which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

(35) Term of an approval

a. The term of an approval must be determined by the local government having regard to the information submitting by the applicant.

b. The term of the approval must be specified in the approval.

c. An approval may be granted for a term of up to 1 year.

(36) Term of renewal of an approval

a. The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

b. The term for which an approval may be renewed or extended must not exceed 1 year.

c. If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 **Application requirement**	**Column 2** **Individuals or organisations that are third party certifiers**	**Column 3** **Qualifications necessary to be a third party certifier**
Not Applicable	Not Applicable	Not Applicable

Schedule 15 Operation of cemeteries

Section 11

Left intentionally blank

Schedule 16 Operation of public swimming pools

Section 11

Left intentionally blank

Schedule 17 Operation of shared facility accommodation

Section 11

Left intentionally blank

Schedule 18 Operation of temporary entertainment events

Section 11

1. Prescribed activity

Operation of temporary entertainment events.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) A plan of the place of the temporary entertainment event which details—

(a) the boundaries of the place; and

(b) the water supply system for the place; and

(c) the position of each waste container at the place; and

(d) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; and

(e) the sewerage system for the place, including the position of each sanitary convenience at the place; and

(f) the nature and position of each installation at the place which is to be used for the preparation or sale of food.

(2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.

(3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.

(4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.

(5) The dates and times during which the temporary entertainment event is to be undertaken.

(6) The expected attendance rate for the temporary entertainment event.

(7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.

(8) The name, street address, telephone number, facsimile number and email address of each person and business who will operate the temporary entertainment event.

4. Additional criteria for the granting of an approval

(1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.

(2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.

(3) Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.

(4) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public.

(5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.

(6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.

(7) The applicant for the approval must nominate a person who is responsible for —

(a) ensuring compliance with the authorising local law before, during and after the event; and

(b) handling general complaints which may be received; and

(c) liaising and communicating with the local government or an authorised person.

(8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.

5. Conditions that must be imposed on an approval

The approval holder must—

(a) display the approval in the manner, and at the locations, specified by the

local government; and

(b) produce the approval for inspection by an authorised person on demand.

6. Conditions that will ordinarily be imposed on an approval

The conditions of an approval may —

(a) require specified action to maintain or improve the place of the temporary entertainment event; and

(b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and

(c) require the approval holder to provide specified facilities and amenities; and

(d) regulate the hours of operation of the temporary entertainment event; and

(e) require the approval holder to provide specified equipment, or take specified measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and

(f) require the approval holder to take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the event commences; and

(g) regulate noise emission from the temporary entertainment event; and

(h) require the design and construction of the place of the temporary entertainment event to be safe and appropriate having regard to the nature of the entertainment proposed and the number of people expected to attend the place; and

(i) if the approval relates to an activity on a road – require the approval holder to indemnify the State; and

(j) require the approval holder to ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and

(k) prescribe requirements for adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and

(l) prescribe requirements for the collection and disposal of waste generated by the temporary entertainment event; and

(m) prescribe requirements for people and (if applicable) vehicles to enter and

leave the place of the temporary entertainment event; and

(n) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—

(i) in good working order; and

(ii) in a good state of repair; and

(iii) in a clean and sanitary condition; and

(o) prescribe requirements about—

(i) crowd, traffic and parking control; and

(ii) security measures to be implemented; and

(iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and

(v) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and

(iv) the exhibition of signage as part of the operation of the temporary entertainment event; and

(vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1	Column 2	Column 3

Application requirement	Individuals or organisations that are third party certifiers	Qualifications necessary to be a third party certifier
Not Applicable	Not Applicable	Not Applicable

Schedule 19 Undertaking regulated activities regarding human remains

Section 11

1. Prescribed activity

Undertaking regulated activities regarding human remains, including undertaking 1 or more of the following activities—

(a) disturbance of human remains buried outside a cemetery; and

(b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; and

(c) disturbance of human remains in a local government cemetery.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) Details of —

(a) the burial site, niche or other place or proposed burial site, niche or other place at which the human remains are buried or placed, or are proposed to be buried or placed; and

(b) the coffin, container or shroud in which the human remains are buried or placed or are proposed to be buried or placed.

(2) Evidence of the applicant's relationship (if any) with the deceased.

(3) A certified copy of each approval required (including authority under the *Coroners Act 2003* (if applicable)) for the undertaking of the prescribed activity.

(4) Details of how and when the prescribed activity is to be undertaken.

(5) Evidence of the identity of the deceased person.

(6) Evidence of the wishes of the deceased and the relatives of the deceased.

(7) If the prescribed activity is the disturbance of human remains buried outside a cemetery—

(a) a written statement of the reasons for the proposed disturbance; and

(b) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are buried.

(8) If the prescribed activity is the burial or disposal of human remains outside a cemetery—

(a) a written statement of how and when the remains are proposed to be disposed of or buried; and

(b) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed to the disposal of the remains on the land; and

(c) details of the nature of the ceremony (if any) to be conducted at the time of the burial or disposal; and

(d) details of how the applicant proposes to secure ongoing access to the place at which the human remains are to be buried or disposed of if the owner of the land on which the place is located, disposes of the owner's interest in the land.

(9) If the prescribed activity is the disturbance of human remains in a local government cemetery—

(a) a written statement of the reasons for the proposed disturbance; and

(b) the written approval of an authorised person.

4. Additional criteria for the granting of an approval

The undertaking of the prescribed activity must—

(a) not result in—

(i) harm to health or safety; or

(ii) personal injury; or

(iii) nuisance; or

(iv) a loss of amenity; and

(b) comply with the expressed wishes of each of the deceased and the relatives of the deceased; and

(c) if the prescribed activity involves the opening of a grave in order to bury another deceased person in the grave—comply with the expressed wishes of all of the deceased persons who are buried or will be buried in the grave; and

(d) if the prescribed activity is the burial or disposal of human remains outside a cemetery — secure ongoing access to the place at which the human remains are to be buried or disposed of if the owner of the land on which the place is located disposes of the owner's interest in the land.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

(1) The approval holder must undertake the prescribed activity at a particular time, or during a particular period.

(2) Any spillage of waste, a contaminant or another material must—

(a) be cleaned up immediately; and

(b) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or other waters.

(3) The approval holder must take specified measures to—

(a) prevent harm to the health or safety of persons who may be involved in, or effected by, the undertaking of the prescribed activity; and

(b) prevent personal injury, property damage or loss of amenity resulting from the undertaking of the prescribed activity; and

(c) ensure that there is compliance with the provisions of each local government Act which regulates the undertaking of the prescribed activity.

(4) If the prescribed activity is the disturbance of human remains buried outside a cemetery—

(a) the approval holder must permit an authorised person to inspect the site at any time either before or after the disturbance; and

(b) the approval holder must prepare the site in accordance with particular standards as directed by the local government; and

(c) the prescribed activity must be undertaking by a qualified undertaker.

(5) If the prescribed activity is the burial or disposal of human remains outside a cemetery—

(a) the approval holder must ensure that an appropriate identifying

memorial is placed on or adjacent to the place of the burial or disposal; and

(b) if a development approval is required under the ~~*Sustainable*~~ *Planning Act* ~~*2009*~~ to erect or install a memorial—the approval holder must not erect or install the memorial without the required development approval; and

(c) the local government may regulate—

(i) the number of bodies which may be buried in a single grave; and

(ii) the frequency with which bodies may be buried in a single grave; and

(iii) the position of the grave site; and

(iv) standards for the minimum depth, size and other dimensions of the grave site; and

(v) the manner in which the applicant secures ongoing access to the place at which the human remains are buried or disposed of if the owner of the land on which the place is located disposes of the owner's interest in the land.

(6) If the prescribed activity is the disturbance of human remains in a local government cemetery—

(a) the prescribed activity must be undertaken by a qualified undertaker; and

(b) the approval holder must prepare the site in accordance with particular standards as directed by the local government.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

9. Definitions for this Schedule

In this Schedule –

memorial includes—

(a) a headstone; and

(b) an inscribed plaque or commemorative plate; and

(c) monumental, ornamental or other structures erected on a grave site; and

(d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

qualified undertaker means a person who carries on the business of disposing of human remains.

shroud means a length of cloth or an enveloping garment in which a dead person is wrapped for burial.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Not Applicable	Not Applicable	Not Applicable

Schedule 20 Not Used

Section 11

Left intentionally blank
See Schedule 19

Schedule 21 Not Used

Section 11

Left intentionally blank
See Schedule 19

Schedule 22 Undertaking regulated activities on local government controlled areas and roads

Section 11

1. Prescribed activity

(1) Undertaking regulated activities on local government controlled areas and roads, and in particular, undertaking 1 of the following activities on a local government controlled area or road—

(a) driving or leading of animals to cross a road;

(b) depositing of goods or materials;

(c) holding of a public place activity prescribed under a subordinate local law but excluding the operation of a temporary entertainment event.

(2) For the purposes of subsection (1)(c), public place activity means, provided the activity on the local government controlled area or road is not the use of the local government controlled area or road for soliciting or carrying on the supply of goods or services (including food or drink) for profit, each of the following activities—

(a) the placing of a display or information booth;

(b) conducting a social gathering or meeting of more than 50 people;

(c) conducting or taking part in—

(i) an organised sporting activity of regional, State or national significance; or

(ii) a street parade or festival; or

(iii) a vintage car display; or

(iv) a novelty vehicle race, for example, a go-cart race; or

(v) an invitation-only ceremony, party or celebration attended by more than 50 people; or

(vi) a cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day; or

(vii) a training event held on no more than 1 day; or

(viii) a training event held on more than 1 day without payment of a fee; or

(ix) a musical or theatrical performance undertaken by a person to entertain the public; or

(x) a wedding;

(d) exercising a right of occupation and use of a specified part of a local government controlled area by an incorporated association.

2. Activities that do not require an approval under the authorising local law

No activity stated.

3. Documents and materials that must accompany an application for an approval

(1) Details of the nature, time and place of the prescribed activity for which the approval is sought.

(2) If the applicant wants to use a particular part of a local government controlled area or road for the prescribed activity—a plan showing the relevant part of the local government controlled area or road.

(3) If the prescribed activity is to be undertaken at or in close proximity to a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the undertaking of the prescribed activity.

(4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the undertaking of the prescribed activity.

(5) A copy of the current registration certificate for each vehicle proposed to be used in the undertaking of the prescribed activity.

(6) Details of the undertaking of the prescribed activity including—

(a) a copy of each policy of insurance of the applicant which relates to the undertaking of the prescribed activity; and

(b) how the applicant proposes to dispose of waste generated by the undertaking of the prescribed activity; and

(c) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.

4. Additional criteria for the granting of an approval

(1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.

(2) There must be a public demand for the prescribed activity in respect of which the approval is sought.

(3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.

(4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—

(a) the occupier of any land which adjoins the location of the prescribed activity; or

(b) vehicular traffic; or

(c) pedestrian traffic.

(5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.

(6) If the prescribed activity is the driving or leading of animals to cross a road—the driving or leading of the animals to cross the road must not unduly interfere with the proper use of the road or create a safety hazard for users of the road.

(7) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road—the depositing of the goods or materials on the local government controlled area or road must not unduly interfere with the usual use or the amenity of the local government controlled area or road.

(8) If the prescribed activity is the holding of a public place activity on a local government controlled area or road—

(a) the undertaking of the prescribed activity must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding area; and

(b) there must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and

(c) adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and

(d) adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may require that the approval holder—

(a) limit the activities authorised by the approval to 1 or more of—

(i) a single specified location;

(ii) a number of specified locations;

(iii) a specified area;

(iv) a number of specified areas; and

(b) limit the activities to specified days and times; and

(c) limit the activities to—

(i) a specified period of time; or

(ii) specified periods of time; and

(d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and

(e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and

(f) give the local government specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and

(g) take specified measures to ensure that the activities authorised by the approval do not cause environmental harm or environmental nuisance; and

(h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the undertaking of the activity — pay a specified rental to the local government at specified intervals; and

(i) submit the undertaking of the activity, including any vehicle or premises used in the undertaking of the activity, for inspection by an authorised person; and

(j) prominently and permanently display at a specified location each of—

(i) the approval number granted by the local government in

numbers not less than 50mm in height; and

(ii) the name and address of the approval holder in letters not less than 75mm in height; and

(k) if the approval relates to an activity on a road—give a written indemnity to the State; and

(l) display specified warning notices for the safety of users of the local government controlled area or road; and

(m) limit the undertaking of the prescribed activity so that it does not—

(i) create a traffic nuisance; or

(ii) increase an existing traffic nuisance; or

(iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and

(n) limit the undertaking of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and

(o) ensure that the undertaking of the prescribed activity does not create a safety risk; and

(p) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—

(i) in good working order and condition; and

(ii) in a clean and sanitary condition.

(2) If the prescribed activity is the driving or leading of animals to cross a road, the conditions of the approval may also require that the approval holder—

(a) restrict the number of animals that may be driven or led across the road; and

(b) not conduct the prescribed activity in a manner which is, or may be, a risk to road safety.

(3) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road, the conditions of the approval may also require that the approval holder—

(a) deposit the goods or materials in a specified manner; and

(b) limit the deposit of the goods or materials to a specified area; and

(c) if the goods or materials are deposited on a footpath—keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and

(d) only use, for the purposes of the deposit of the goods or materials, a structure which is—

(i) of safe construction; and

(ii) in good condition and repair; and

(iii) securely fixed to the land on which the prescribed activity is undertaken; and

(e) remove the goods or materials, and any structure used for the purposes of the depositing of the goods or materials, at a specified time, or after a specified period.

(4) If the prescribed activity is the holding of a public place activity prescribed under a subordinate local law, the conditions of the approval may also require that the approval holder—

(a) provide specified facilities and amenities; and

(b) provide specified illumination for the purposes of the undertaking of the prescribed activity and take specified measures to reduce light spillage from the undertaking of the prescribed activity; and

(c) take specified measures to reduce noise emission from the undertaking of the prescribed activity; and

(d) provide specified equipment, or take specified measures, to reduce adverse effects of the undertaking of the prescribed activity on the surrounding neighbourhood to acceptable levels; and

(e) not discharge trade waste generated by the undertaking of the prescribed activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and

(f) for waste generated by the undertaking of the prescribed activity—

(i) only dispose of the waste—

(A) in a safe and sanitary manner; and

(B) in a manner which maintains the site of the prescribed activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and

(ii) not dispose of the waste—

(A) so as to attract pests; or

(B) into a water course; or

(C) at another location other than a location properly intended for the receipt of the waste; and

(g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and

(h) not place or display any sign or device advertising the undertaking of the prescribed activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the area for that purpose.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

9. Definitions for this Schedule

In this Schedule –

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995.*

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

premises means the premises used in the undertaking of the prescribed activity.

road has the meaning given in the ~~authorising local law~~*Local Law No. 1 (Administration) 2011*.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Not Applicable	Not Applicable	Not Applicable

Schedule 23 Not Used

Section 11

Left intentionally blank
See Schedule 22

Schedule 24 Not Used

Section 11

Left intentionally blank
See Schedule 22

Schedule 25 Bringing or driving motor vehicles onto local government controlled areas

Section 11

Left intentionally blank

Schedule 26 Bringing or driving prohibited vehicles onto motor vehicle access areas

Section 11

Left intentionally blank

Schedule 27 Use of bathing reserves for training, competitions etc

Section 11

Left intentionally blank

Schedule 28 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

Section 11

Left intentionally blank
See Subordinate Local Law No. 5 (Parking) 2011

Schedule 29 Parking in a loading zone by displaying a commercial vehicle identification label

Section 11

Left intentionally blank
See Subordinate Local Law No. 5 (Parking) 2011

Schedule 30 Carrying out works on a road or interfering with a road or its operation

Section 11

1. Prescribed activity

Carrying out works on a road or interfering with the road or its operation (*Local Government Act 2009*, section 75(2)).

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) Full details of the proposed works or interference including plans and specifications.

(2) Details of all building work and other work to be carried out under the approval.

(3) Details of the time and place at which the prescribed activity will be undertaken.

(4) The proposed term of the approval.

(5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.

(6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.

(7) Plans and specifications detailing—

(a) the relevant part of the road that is to be used for the undertaking of the prescribed activity; and

(b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and

(c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.

4. Additional criteria for the granting of an approval

The carrying out of the work or interference with the road or its operation must not—

(a) result in—

(i) harm to human health or safety; or

(ii) property damage or loss of amenity; or

(iii) nuisance; or

(iv) obstruction of vehicular or pedestrian traffic; or

(v) environmental harm; or

(vi) environmental nuisance; or

(b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may—

(a) require compliance with specified safety requirements; and

(b) regulate the time within which the prescribed activity must be carried out; and

(c) specify standards with which the prescribed activity must comply; and

(d) require the approval holder to—

(i) carry out specified additional work such as earthwork and drainage work; and

(ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and

(iii) give the local government specified indemnities; and

(iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and

(v) remove a structure erected or installed, under the approval, at the end of a stated period; and

(vi) exhibit specified signage warning about the conduct of the prescribed activity.

(2) The conditions of an approval may require the approval holder to take specified measures to—

(a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and

(b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and

(c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regarding to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Not Applicable	Not Applicable	Not Applicable

Schedule 31 Use of a vehicle on an airside area

Section 11

1. Prescribed activity

Use of a vehicle on an airside area

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) The name of the applicant.

(2) A description of the type and make of the vehicle.

(3) The registration number of the vehicle and the date of expiry of the registration.

(4) Details of the registered owner of the vehicle.

(5) Details of the comprehensive motor vehicle insurance and/or public liability insurance covering the vehicle and the applicant.

(6) Details of why the applicant requires the approval.

(7) The period during which the applicant requires the approval.

4. Additional criteria for the granting of an approval

The grant of the approval must be consistent with the objects of *Local Law No. 7 (Aerodromes)2011*.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may require the approval holder to—

(a) affix the approval to, or exhibit the approval on, a specified part of the vehicle identified in the approval facing outwards and as near as practicable to the registration label for the vehicle; and

(b) if the approval holder requests the issue of a replacement approval—complete a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original approval; and

(c) enter into an agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the use of a vehicle under the approval; and

(d) ~~if~~ that the approval holder ~~is a business~~ take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval and/or comprehensive motor vehicle insurance; and

(e) take specified measures to reduce the impact of the activities authorised by the approval so that the activities do not—

(i) create a traffic nuisance; or

(ii) increase an existing traffic nuisance; or

(iii) detrimentally affect the efficiency of the airside area on which the activity is undertaken.

(2) The conditions of an approval may require that the approval holder—

(a) limit the activities authorised by the approval to—

(i) a specified area; or

(ii) a number of specified areas; and

(b) limit the activities to specified days and times; and

(c) limit the activities to—

(i) a specified period of time; or

(ii) specified periods of time; and

(d) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and

(f) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and

(h) ensure that the vehicle used in the operation of the prescribed activity is, at all times, maintained—

(i) in good working order and condition; and

(ii) in a clean and sanitary condition.

7. Term of an approval

(1) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.

(2) However, the local government may fix the term for an approval if it is desirable to do so—

(a) to provide common expiry dates for approvals; or

(b) for some other reason.

(3) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirements stated		

Schedule 32 Sale or consignment of stock at a saleyard and supply of fodder at a saleyard

section 11

1. Prescribed activity

A person uses the saleyard for a prescribed activity if the person—

(a) sells or offers to sell by auction or otherwise at the saleyard; or

(b) consigns stock from the saleyard; or

~~(b)~~(c) supplies fodder at a saleyard.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) The ~~name of the a~~Applicant's details including names, contact details, licence number;

(2) Details of insurances.

(3) If the application relates to the for sale or consignment of stock at a saleyard:

(a) Details of authorised agents and licenced auctioneers and any relevant history or licence conditions or restrictions;

(b) Details of any relevant history or convictions under the Local Laws;

~~(1) .~~

~~(2) Details of~~

~~(3) why the applicant requires the approval; and~~

~~(4) the principal place of business of the applicant~~

~~(5) The period during which the applicant requires the approval~~

4. Additional criteria for the granting of an approval

(1) The applicant must be a fit and proper person to be permitted to use the saleyard for the prescribed activity.

(2) If the applicant proposes to sell or consign stock as agent for others, the applicant must be able to lawfully carry on the business of the sale or consignment of stock as agent for others under any other relevant law~~, for~~

~~example, the *Property Agents and Motor Dealers Act 2000*.~~

(3) Without limiting the matters which the local government may consider in deciding whether to grant an approval, in considering whether the applicant is a fit and proper person, the local government may take into account—

(a) each conviction of the applicant for an offence under *Local Law No. 6 (Operation of Saleyards) 2011* or a corresponding former local law or similar law applying to another saleyard facility; and

(b) the history of the applicant in relation to non-payment or persistent late payment of fees and charges payable in respect of the use of the saleyard under *Local Law No. 6 (Operation of Saleyards) 2022* or a corresponding former local law, or a similar law applying to another saleyard facility.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

For sale or consignment of stock at a saleyard:

(1) Stock must not be sold or offered for sale at any place at the saleyard other than the pens designated as selling pens by the local government at the saleyard.

(2) The local government may, from time to time, nominate a particular day of the week as a regular sale day for the sale of stock, for example, each of the following—

(a) bulls;

(b) store cattle;

(c) prime cattle.

(3) The local government may, from time to time, change a regular sale day for the sale of stock or a specified type of stock at the saleyard.

(4) The approval holder must—

(a) at all times during the currency of the approval, have and maintain a place of business in the local government area of the local government; and

(b) use the saleyard for the operation of the prescribed activity on a bona fide commercial basis, for example, the prescribed activity must be undertaken at the saleyard—

(i) regularly; and

(ii) except where circumstances beyond the control of the approval holder do not permit—on each regular sale day for the sale of stock at the saleyard.

(5) The approval holder must provide all labour which is necessary to facilitate the

reception, yarding, removal and delivery of stock in the custody, or under the control, of the approval holder which are brought into the saleyard.

(6) If stock are delivered to the saleyard for sale by the approval holder, the approval holder must if directed by the manager —

(a) count the stock delivered to the saleyard, note any anomalies and put the stock into holding yards as directed by an authorised person; and

~~(b) if the stock are cattle—paint vendor numbers on the cattle in the manner directed by an authorised person; and~~

~~(c)~~(b) complete the reception/delivery docket in the prescribed form of the local government for all stock entering and leaving the saleyard; and

~~(d)~~(c) if 1 or more of the stock escape from the saleyard—bring the stock under control and procure the safe return of the stock to the saleyard; and

~~(e)~~(d) not supply or make available for consumption by the stock any fodder unless the fodder is accompanied by, and the approval holder produces to an authorised person on demand—

(i) a commodity vendor declaration which satisfies the prescribed criteria for fodder; and

~~(i) a certificate of analysis for chemical residues from a laboratory which holds a current accreditation from the National Association of Testing Authorities which satisfied the prescribed criteria for fodder; and~~

(ii) a complete and continuous written record which—

(A) tracks the production, harvesting, storage and transportation of the fodder at all times up to and including delivery of the fodder to the saleyard; and

(B) identifies the fodder fed to stock by reference to a specified period; and

(C) identifies the stock to which the fodder was fed during the specified period; and

(D) identifies the pens in which the stock were located during the specified period; and

~~(f)~~(e) not request that the local government allocate, for the sale of stock by the approval holder on a sale day, a number of selling pens in excess of the number of selling pens reasonably required to accommodate the stock to be offered for sale by the approval holder on the sale day and will not exceed any legislated pen densities; and

~~*Example—*~~

~~If 6,000 or less cattle are offered for sale at the saleyard on a sale day—~~

~~(a) firstly, 18 cattle (limited to steers and heifers) should be allocated to~~

~~each selling pen; and~~

~~(b) secondly, 15 cattle (limited to cows) should be allocated to each selling pen.~~

~~In any event, an approval holder should consult with the authorised person responsible for the allocation of selling pens if issues about the health, safety or wellbeing of cattle arise as a result of the allocation of selling pens.~~

~~(g)~~(f) ensure that all stock are provided with sufficient food and water; and

~~(h)~~(g) if 1 or more stock at the saleyard contract, or is suspected of contracting, a disease—

(i) isolate the stock from all other animals; and

(ii) take immediate action to ensure prompt notification, treatment and removal of the stock; and

~~(i)~~(h) if 1 or more of the stock die at the saleyard—promptly ~~remove~~ notify the manager so the dead stock can be removed from the saleyard ~~by a waste transporter~~ to a waste disposal facility.

(7) If the approval holder is offering cattle for sale at the saleyard, the approval holder must—

(a) have the cattle drafted and penned in selling pens as directed by an authorised person; and

(b) not draft or pen cattle in selling pens other than selling pens allocated to the approval holder by an authorised person; and

(c) not swap or exchange selling pens to be used for the sale of cattle with a person other than the approval holder; and

(d) be present at the saleyard to—

(i) facilitate the weighing of the cattle; and

(ii) provide details to the weighbridge operator at the saleyard to facilitate computerised weighing and printout of the weight and price of the cattle; and

(iii) attest to the second count of the cattle following the counting out of the cattle from the selling pens.

(8) The approval holder must take out and maintain during the term of the approval specified insurance indemnifying persons who may suffer personal injury, loss or damage as a result of the escape of stock from the saleyard.

(9) The approval holder must give the local government specified written indemnities, including a written indemnity in respect of persons who may suffer personal injury, loss or damage as a result of the escape of stock from the saleyard.

(10) The approval holder must if directed by the manager perform National Livestock Identification Scheme identification procedures—

(a) as necessary to ensure the efficient operation of the saleyard; and

(b) in the manner directed by an authorised person.

(11) The approval holder must not bring or permit to be brought onto the saleyard any animal which is infected with a contagious disease or zoonosis.

~~(11)~~(12) The approval holder must ensure that any saleyard site rules published by the manager are complied with.

For the supply of fodder at a saleyard:

(13) The approval holder must take out and maintain during the term of the approval specified insurance indemnifying persons who may suffer personal injury, loss or damage as a result of the activities undertaken by the approval holder.

(14) The approval holder must ensure that any saleyard site rules published by the manager are complied with.

7. Terms of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirements stated		

Schedule 33 Gates and Grids

section 11

1. Prescribed activity

1. Installing, removing or replacing a gate or grid, or a gate and a grid, across a road.
2. Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) If the installation of a gate or a grid, or a gate and a grid, are proposed:

(a) a plan detailing the design of the proposed gate or grid, or gate and grid, including all dimensions, alignments and structural elements complying with the standard plans and specifications which the local government may develop or adopt from time to time; and

(b) a plan identifying the location within the road of the proposed gate or grid, or gate and grid; and

(c) particulars of all warning or similar signage proposed to be erected by the applicant.

(2) If a gate or a grid, or a gate and a grid, are installed across a road:

(a) a plan detailing the design of the gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and

(b) a plan identifying the location within the road of the gate or grid, or the gate and the grid; and

(c) details of all warning or similar signage erected about the gate or grid, or the gate and the grid.

(3) If the gate or grid, or the gate and the grid, are proposed to be installed across a road-details of the time when the prescribed activity will be undertaken unless the local government is to undertake the works required for the installation of the gate and/or grid.

(4) The proposed term of the approval.

(5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.

(6) Whether adjoining property owner's consent to the installation, removal or replacement of the gate and/or grid.

(~~6~~7) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity unless the local government is to undertake the works required for the installation of the gate and/or grid.

4. Additional criteria for the granting of an approval

The prescribed activity must not –

(a) result in -

(i) harm to human health or safety, including the safety of vehicular or pedestrian traffic; or

(ii) property damage or loss of amenity; or

(iii) nuisance; or

(iv) unreasonable obstruction of vehicular or pedestrian traffic; or

(v) unreasonable prejudice to the property maintenance of a road; or

(vi) environmental harm; or

(vii) environmental nuisance; or

(b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may require the approval holder to take specified measures to:

(a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and

(b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and

(c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

(2) If the approval relates to the installation, removal or replacement of a gate or a grid; or a gate and a grid - the conditions of the approval may:

(a) require compliance with specified safety requirements and any Council policies; and

(b) regulate the time within which the installation of the gate or the grid, or the

gate and the grid, must be carried out; and

(c) specify standards with which the installation of the gate or the grid, or the gate and the grid, must comply; and

(d) require the approval holder to:

(i) carry out specified additional work such as earthwork and drainage work; and

(ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the installation of the gate or the grid, or the gate and the grid; and

(iii) give the local government specified indemnities; and

(iv) construct the gate or the grid, or the gate and the grid, in accordance with standard plans and specifications which the local government may develop or adopt from time to time; and

(v) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and

(vi) clear and maintain the road in the vicinity of the gate or the grid, or the gate and the grid, (including the destruction of plants and vegetation); and

(vii) remove a gate, grid or structure erected or installed, under the approval, at the end of a stated period; and

(viii) remove a gate, grid or structure erected or installed, under the approval, if the gate, grid or structure:

(A) is not effective for its intended purpose; or

(B) is causing a nuisance, or poses a risk of a nuisance; or

(C) constitutes an actual, or potential safety hazard; and

(ix) if the approval relates to the installation of a grid-also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and

(x) maintain the road, for a distance of 5m on each side of the gate or the grid, or the gate and the grid, as the case may be, in good and sufficient repair

(A) so that vehicular and pedestrian traffic is not impeded or obstructed; and

(B) to prevent or minimise the risk of personal injury or damage to property; and

(xi) exhibit specified signage warning about the conduct of the prescribed activity on the road; and

(xii) take specified measures to ensure the unrestricted movement of

vehicular and pedestrian traffic along the road during construction and installation of the gate or the grid, or the gate and the grid, as the case may be, and minimise obstruction of vehicular or pedestrian traffic or the risk of personal injury or damage to property; and

(xiii) obtain an approval to undertake works in the local government's road reserve.

(3) If the approval relates to being a responsible person for a gate or grid, or a gate and a grid, installed across a road – the conditions of the approval may:

(a) require compliance with specified safety requirements and any Council policies; and

(b) require the approval holder to:

(i) carry out specified work such as earthwork and drainage work; and

(ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government within a stated period; and

(iii) give the local government specified indemnities; and

(iv) maintain the gate or the grid, or the gate and the grid, in accordance with standard plans and specifications; and

(v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and

(vi) clear and maintain the road in the vicinity of the gate or the grid, or the date and the grid (including the destruction of plants and vegetation); and

(vii) remove a gate, grid or structure identified in the approval, at the end of a stated period; and

(viii) remove a gate, grid or structure identified in the approval if the gate, grid or structure---

(A) is not effective for its intended purpose; or

(B) is causing a nuisance, or

(C) poses a risk of a nuisance; or constitutes an actual, or potential safety hazard; and

(ix) if the approval relates to a grid-also erect a gate at the location of the grid to a standard, and

(x) in accordance with the requirements of the local government; and

(xi) maintain the road, for a distance of 5m on each side of the gate or the grid, or the gate and the grid, as the case may be, in good and sufficient repair

(A) so that vehicular and pedestrian traffic is not impeded or obstructed; and

(B) to prevent or minimise the risk of personal injury or damage to property; and

(xii) exhibit specified signage warning about the conduct of the prescribed activity on the road; and.

(xiii) obtain an approval to undertake works in the local government's road reserve.

7. Terms of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard~~ing~~ to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirements stated		

This and the preceding pages bearing my initials is a certified copy of the *Subordinate Local Law No. 1 (Administration) 2025* made in accordance with the provisions of the *Local Government Act 2009* by Maranoa Regional Council by resolution dated [DATE].

_____
Chief Executive Officer

OFFICER REPORT

Meeting: Ordinary 9 April 2026 **Date:** 12 March 2026

Item Number: 11.2 **File Number:** D26/26551

SUBJECT HEADING: Related Parties Disclosure Policy

Classification: Open Access

Officer's Title: Manager - Financial Operations

Executive Summary:
Since 1 July 2016 local governments must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements.

Related parties include Key Management Personnel (KMP), their close family members and any entities that they control or jointly control. Any transactions with these parties, whether monetary or not, will need to be identified and may need to be disclosed.

Officer's Recommendation:
That Council:

1. Adopt the Related Party Disclosures Policy as presented.
2. Repeal all other previous polices with relation to related party disclosures.

Context (*Why is the matter coming before Council?):*

Council last adopted the Related Party Disclosure Policy on 13 December 2023.

This policy is due for review.

Background *(Including any previous Council decisions):*

Since 1 July 2016 local governments must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements.

Related parties include Key Management Personnel (KMP), their close family members and any entities that they control or jointly control. Any transactions with these parties, whether monetary or not, will need to be identified and may need to be disclosed. The related party disclosure note in the Annual Financial Statements will summarise the information from the related party register and financial amounts will be reported as aggregate totals.

The purpose of this policy is to define parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with Australian Accounting Standard AASB 124 – Related Party Disclosures.

The Related Party Disclosure Policy has been reviewed and the policy remains unchanged as there have been no changes to the Australian Accounting Standard or other relevant legislation necessitating the requirement for any further amendments.

The policy has been presented to Council's Executive Leadership Team (on 20 February 2026) for review before presenting to Council.

Options Considered:

Not Applicable

Recommendation:

That Council:
1. Adopt the updated Related Party Disclosure Policy as presented.
2. Rescind all other previous policies.

Risks:

Risk	Description of likelihood & consequences
Financial Reporting Risk	Non-compliance with Australian Accounting Reporting requirements and raised as an audit matter with the Queensland Audit Office

Policy and Legislative Compliance:

AASB 124 – Related Party Disclosures
Local Government Act 2009
Local Government Regulation 2012
Information Privacy Act 2009

Budget / Funding ***(Current and future):***

Not applicable

Timelines / Deadlines*:*

Not applicable

Consultation ***(Internal / External):***

Executive Leadership Team

Strategic Asset Management Implications:
(If applicable, outline changes to whole of life costs and / or level of service)

Not applicable

Acronyms:

Acronym	Description
AASB	Australian Accounting Standards Board
KMP	Key Management Personnel

Addition to Operational or Corporate Plan:

Plan Description	Yes / No
Operational	No
Corporate	No

Link to Corporate Plan:
Corporate Plan 2023-2028
Corporate Plan Pillar 4: Accountability
4.5 Good governance framework

Supporting Documentation:

1⇩	Related Party Disclosures Policy	D26/26649
2⇩	Related Party Disclosures - Fact Sheet	D20/61736
3⇩	Related Party Disclosures - Information Privacy	D20/61730
4⇩	Related Party Disclosures - Declaration Form	D20/61729

Report authorised by:
Chief Financial Officer
Director - Corporate Services

RELATED PARTY DISCLOSURES POLICY

Document Control	
Policy Title	Related Party Disclosures Policy
Policy Number	P20/27
Function	Finance
Responsible Position	Director – Corporate Services
Supersedes	Related Party Disclosures Policy (2023)
Review Date	November 2028

Version	Date Endorsed at ELT Briefing	Council Meeting Date (Date of Adoption / Review)	Resolution Number
1	28 February 2023	13 December 2023	OM/12.2023/16
2			

1. Purpose

The purpose of this policy is to define parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

2. Scope

The basis matter of this guideline is to identify who the related parties of Council are, examining and disclosing related party transactions while adhering to the principles in Maranoa Regional Council's Information Privacy procedure.

Related party transactions include:

- Transfer of resources, services or obligations between a reporting entity and a related party
- Rendering of services
- Settlements of loans, purchase of goods / services / property
- Loans
- Equity contributions
- Guarantees
- Commitments
- Transactions that occur on terms and conditions that are different to those offered to the general public

Council will ensure that related party transactions are recorded in a related party register. The related party disclosure note in the Annual Financial Statements will summarise the information from the related party register and financial amounts will be reported as aggregate totals.

In the case that Councillors and staff are affected by a related party transaction, each will be informed by receiving a copy of the intended related party disclosure and will be required to comment or raise any concerns on the transaction.

RELATED PARTY DISCLOSURES POLICY

In any event where the Key Management Personnel (KMP), their close family members and related entities change, KMPs should inform Council by disclosing the changes in the KMP Declaration Form within 30 days of the change.

3. Statement

BACKGROUND

Pursuant to Section 177 of the *Local Government Regulation 2012*, a local government's general purpose financial statements must be prepared in compliance with the following documents (each a prescribed accounting standard) published by the Australian Accounting Standards Board (AASB):

(a) Australian Accounting Standards;
(b) Statements of Accounting Concepts;
(c) Interpretations; and
(d) Framework for the preparation and presentation of financial statements.

The AASB has confirmed that the requirements of AASB 124 'Related Party Disclosures' will apply to local government annual reporting periods beginning 1 July 2016.

The AASB provides that the objective of AASB 124 is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

IDENTIFICATION OF KEY MANAGEMENT PERSONNEL

KMP are defined in AASB 124 as those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any Director (whether executive or otherwise) of that entity.

In the context of Maranoa Regional Council, KMP are considered to include:

(a) Mayor and Councillors;
(b) Chief Executive Officer;
(c) Directors.

IDENTIFICATION OF RELATED PARTIES

Having regard to the definitions contained in the AASB 124, a related party is a person or entity that is related to Council as outlined below.

Persons considered to be related to Maranoa Regional Council

A person or a close member of that person's family is related to Council if that person:

(a) Has control or joint control of Maranoa Regional Council;
(b) Has significant influence over Maranoa Regional Council; or
(c) Is a member of the KMP of Maranoa Regional Council.

A close member of the family of a person, are those family members who may be expected to influence, or be influenced by, that relevant person in their dealings with Council and include:

(a) That person's children and spouse or domestic partner;
(b) Children of that person's spouse or domestic partner; and
(c) Dependents of that person or that person's spouse or domestic partner.

Practical Examples of Related Persons

Below are some practical examples of possible related persons to Council:

- The children (over 18 years) of a member of Maranoa Regional Council's KMP.
- The spouse or domestic partner of a member of Maranoa Regional Council's KMP.
- The children (over 18 years) of a spouse or domestic partner of a member of Maranoa Regional Council's KMP.

Entities considered to be related to Maranoa Regional Council
An entity is considered related to Council if any of the following conditions applies:

(a) The entity and Maranoa Regional Council are members of the same corporate group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
(b) One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).
(c) Both entities are joint ventures of the same third party.
(d) One entity is a joint venture of a third entity and the other entity is an associate of the third entity.
(e) The entity is a post-employment benefit plan for the benefit of employees of either Maranoa Regional Council or an entity related to Maranoa Regional Council.
(f) The entity is controlled or jointly controlled by a person related to Maranoa Regional Council (outlined above).
(g) A person who has control or joint control of Maranoa Regional Council has significant influence over the relevant entity or is a member of the KMP of the entity.
(h) The entity, or any member of the group of which it is a part, provides KMP services to Maranoa Regional Council.

Practical Examples of Related Entities

Below are some practical examples of possible related entities to Council:

- A company, which is controlled or jointly controlled by a member of Maranoa Regional Council's KMP.
- A company, which is controlled or jointly controlled by a close family member of Maranoa Regional Council's KMP.
- A subsidiary company of Maranoa Regional Council.

REQUIRED DISCLOSURES

AASB 124 provides that Council must disclose the following financial information in the financial statements for each financial year period.

Disclosure of relationship between Maranoa Regional Council and its subsidiaries
Council must disclose in the annual financial statements its relationship with any subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period.

KMP Compensation Disclosures
Council must disclose in the annual financial statements KMP compensation (as defined in definitions) in total and for each of the following categories:

- Short-term employee benefits;
- Post-employment benefits;
- Other long-term benefits;
- Termination benefits; and
- Share-based payments.

Related Party Transactions Disclosures
A related party transaction is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged. Such transactions may include:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;

RELATED PARTY DISCLOSURES POLICY

- Leases;
- Quotations and/or tenders;
- Transfers of research and development;
- Transfers under finance arrangements (including loans and equity contributions in cash);
- Provisions of guarantees or collateral;
- Commitments; and
- Settlements of liabilities on behalf of Maranoa Regional Council or by Maranoa Regional Council on behalf of the related party.

Council must disclose all material and significant related party transactions in the annual financial statements and include the following details:

(i) The nature of the related party relationship; and

(ii) Relevant information about the transactions including:

a. The amount of the transaction;

b. The amount of outstanding balances, including commitments, and:

i. Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and

ii. Details of any guarantee given or received;

c. Provision for doubtful debts related to the amount of outstanding balances; and

d. The expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

(i) Significance of transaction in terms of size;

(ii) Whether the transaction was carried out on non-market terms;

(iii) Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;

(iv) Whether the transaction is disclosed to regulatory or supervisory authorities; and

(v) Whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant. Disclosures that related party transactions were made on terms equivalent to those that prevail in arm's length transactions can only be made if such terms can be substantiated.

All non-exempt transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, and to determine the significance of such transactions.

Practical Examples of Transactions to be disclosed

Below are some practical examples of transactions, which may be considered to be disclosed:

- A KMP of Maranoa Regional Council is the Director of a company, which provided services to Maranoa Regional Council during the relevant period.
- A KMP of Maranoa Regional Council is a Director of an entity, which Maranoa Regional Council paid a membership fee to for the relevant period.

EXEMPT RELATED PARTY TRANSACTIONS

Related party transactions are not required to be disclosed in situations where a similar transaction would be applicable to the community generally and on similar terms. For example, the payment of rates by a KMP or the payment of a fee by a KMP to use a Maranoa library, would be an exempt related party transaction.

ROLES AND RESPONSIBILITIES

A requirement for Councillors to update their register of interests in accordance with the *Local Government Act 2009* exists under section 171B. The section outlines the requirements as follows:

This section applies if—

(a) a councillor has an interest that must be recorded in a register of interests under a regulation in relation to the councillor or a person who is related to the councillor; or

(b) there is a change to an interest recorded in a register of interests under a regulation in relation to a councillor or a person who is related to a councillor.

(2) The councillor must, in the approved form, inform the chief executive officer of the particulars of the interest or the change to the interest within 30 days after the interest arises or the change happens.

Maximum penalty—

(a) if the councillor fails to comply with subsection (2) intentionally—100 penalty units; or

(b) otherwise—85 penalty units.

(3) For subsection

(1), a person is related to a councillor if—
(a) the person is the councillor's spouse; or

(b) the person is totally or substantially dependent on the councillor

and— the person is the councillor's child; or

the person's affairs are so closely connected with the affairs of the councillor that a benefit derived by the person, or a substantial part of it, could pass to the councillor.

A requirement for KMP to update their register of interests in accordance with the *Local Government Regulation 2012* exists under section 292.

In addition, KMP are required to complete the annual declaration listing stating the close family members who may influence or have influence in their dealings with Maranoa Regional Council and any entities that are controlled by the listed family members.

Council's Manager, Financial Operations will identify and record all relevant related party transactions in the related party register. Subsequent to assessing the information in the related party register this information will be summarised in the related party disclosure note to the annual financial statements.

ORDINARY CITIZEN TRANSACTIONS (OCTS)

These are transactions undertaken by an ordinary citizen with Maranoa Regional Council on the same conditions as every other ratepayer. Examples of the transactions are: utility charges, paying rates and fines. Infrastructure charges and purchase of goods are seen by the Department of Local Government, Water and Volunteers as not inclusive as OCTs.

RECORDING RELATED PARTIES, RELATED PARTY TRANSACTIONS AND ORDINARY CITIZEN TRANSACTIONS

Management of Maranoa Regional Council will implement a suitable system to identify, record and monitor related party transactions, relationships and entities. The collected information is to be provided to Council's external auditors. This system and the Policy should be reviewed tri-annually. In conjunction with

the system and Policy, the Register of Interests should also be considered in assisting with identifying and updating existing or new related party information.

4. Definitions

AASB	means the Australian Accounting Standards Board
Annual Financial Statements	means the financial reports based on a 12- month consecutive time period. It includes a cash flow statement and a balance sheet.
Entity	can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.
Key Management Personnel (KMP)	is defined in the *Local Government Regulation 2012* to include Councillors, the Chief Executive Officer and Senior Executive Employees. Further defined in AASB 124 – Related Party Disclosures are "those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any Director (whether executive or otherwise) of that entity". For the purpose of this guideline, key management personnel will be aligned with the definition within the *Local Government Regulation 2012*.
KMP Compensation	includes all forms of consideration paid, payable or provided by Maranoa Regional Council in exchange for services provided, and includes: 1. Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees; 2. Post-employment benefits such as pensions, other retirement benefits, post- employment life insurance and post-employment medical care; 3. Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; 4. Termination benefits; and 5. Share-based payment.
Material (materiality)	means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For the purpose of this guideline, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

RELATED PARTY DISCLOSURES POLICY

Ordinary Citizen Transactions (OCTs)	means transactions that any ordinary citizen would undertake with council such as: utility charges, paying rates and fines on normal everyday terms and conditions.
Register of Interests	means a register of Councils shareholdings; financial and non- financial interest including interests of close family members.
Related Party	is an affiliate; an employee; members of the immediate family of an employee; and persons having a controlling influence on controlled entities.
Related Party Transaction	is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.
Significant (significance)	means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

5. Related Policies and Legislation

Local Government Act 2009

Local Government Regulation 2012

Australian Accounting Standards and interpretations

Information Privacy Act 2009

FACT SHEET: **Related Party Disclosures**

maranoa REGIONAL COUNCIL

RELATED PARTY DISCLOSURES FOR KEY MANAGEMENT PERSONNEL

From 1 July 2016 local governments must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements.

Related parties include Key Management Personnel (KMP), their close family members and any entities that they control or jointly control. Any transactions with these parties, whether monetary or not, will need to be identified and may need to be disclosed. The related party disclosure note in the Annual Financial Statements will summarise the information from the related party register and financial amounts will be reported as aggregate totals.

In order to meet this requirement Council has adopted a policy that requires all Councillors and KMP to provide a declaration identifying:

- Their close family members,
- Entities that they control or are associated with; and
- Entities that their close family members control or jointly control.

This information will be audited as part of the annual external audit by Queensland Audit Office.

Who are KMP?

KMP are persons having authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

Who are close family members of KMP?

These are Family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

(a) That person's children and spouse or domestic partner;
(b) Children of that person's spouse or domestic partner; and
(c) Dependents of that person or that person's spouse or domestic partner.

The following table may assist you in identifying your close family members:

Definitely a close family member	May be a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with council
Your children	Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with council
Your dependants	Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council
Dependants of your spouse/domestic partner	Any other member of your family, if they could be expected to influence or be influenced by you in their dealings with council

FACT SHEET: **Related Party Disclosures**

What is an entity that I, or my close family member, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

You control an entity if you have:

(a) Power over the entity;
(b) Exposure, or rights, to variable returns from involvement with the entity; and
(c) The ability to use your power over the entity to affect the amount of your returns.

Example of control

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party declaration.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Example of joint control

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need include the company on his related party declaration.

In some cases it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

INFORMATION PRIVACY: **Related Party Disclosures**

maranoa REGIONAL COUNCIL

RELATED PARTY DISCLOSURES FOR KEY MANAGEMENT PERSONNEL INFORMATION PRIVACY

Confidential

The following information is classified as confidential, and is not available for inspection by or disclosure to the public, including though a *Right to Information (RTI)* application:

(a) Information (including personal information) provided in by a Key Management Personnel (KMP) in a Related Party Declaration (RPD); and
(b) Personal information contained in a register of related party transactions.

When Consent Required

Except as specified in the Related Party Disclosures Policy, Council and other permitted recipients will not use or disclose personal information provided in a RPD by a KMP or contained in a register of related party transactions, for any other purpose to any other person except with prior written consent of the subject KMP.

Permitted Recipients

The following persons are permitted to access, use and disclose the information (including personal information) provided in a RPD or contain in the register of related party transactions for the purposes specified in "Permitted Purposes":

(a) A Councillor;
(b) The Chief Executive Officer;
(c) The Director of Corporate and Community Services being responsible for the preparation of financial reporting;
(d) Operations Manager Finance and other financial officers within Council's Finance work unit responsible for the preparation of financial reporting authorised by the Director of Corporate and Community Services;
(e) Members of Council's audit committee;
(f) An auditor of Council (including an auditor from the Queensland Audit Office).

Permitted Purposes

A person specified in "Permitted Recipients" may access, use and disclose information (including personal information) in a RPD or contained in a register or related party transactions for the following purposes:

(a) To assess and verify a notified related party transaction;
(b) To reconcile identified related party transactions against those notified in a RPD or contained in a register of related party transactions;
(c) To comply with the disclosure requirements of AASB 124;
(d) To verify compliance with the disclosure requirements of AASB 124.

RIGHT TO INFORMATION STATUS

No Public Inspection

The following documents are not open to or available for inspection by the public:

(a) RPD provided by KMP; and
(b) A register of party transactions.

Not RTI Accessible

A RTI application seeking access to or release of:

(a) A document of information (including personal information) provided by a KMP in a RPD; or
(b) Personal information contained in a register of related party transactions;

Will be refused on the grounds that the document or information requested includes information the disclosure of which would, on balance, be contrary to the public interest under sections 48 and 49 of the *Right to Information Act*, item 8 of schedule 3 and items 2, 3 and 16 of part 3, schedule 4.

INFORMATION PRIVACY: **Related Party Disclosures**

Transactional Documentation

A RTI application seeking access to and release of transactional information and documentation the subject of a related party transaction will Council will be considered, assessed and decided in accordance with Council's usual procedures regarding applications made under the *Right to Information Act*.

DECLARATION: Related Party Disclosures

PRIVATE AND CONFIDENTIAL

RELATED PARTY DISCLOSURES BY KEY MANAGEMENT PERSONNEL

This form is to be completed by Council's key management personnel pursuant to the *Related Party Disclosures Policy*. The information collected in this declaration will be used for the purpose of identifying related party transactions, for which the transactions may be disclosed in the annual financial statements of Council in accordance with Australian Accounting Standard AASB 124 *Related Party Disclosures*, and is subject to audit by Queensland Audit Office.

Please refer to Council's *Fact Sheet: Related Party Disclosures* when completing this form. Return completed form to Manager Finance Operations.

Personal information in this document is confidential and is not RTI-assessable

Your Details	
Full Name	
Position	

Your Close Family Members (children and dependents under 18 years do not need to be disclosed)	
Name of Close Family Member	Relationship to You

Entities Controlled or Jointly Controlled by You and / or Close Family Members		
Name of Entity	ABN or ACN of Entity	Period Related (if not full financial year)

Community Organisations or Incorporated Associations that You are on the Management Committee (disclosure only required if on the management committee)	
Name of Organisation/Association	Position on Management Committee

Declaration			
I declare that, to the best of my knowledge, the above information is a complete and accurate record of my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the *Fact Sheet: Related Party Disclosures*, which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".			
Signature		Date	

OFFICER REPORT

Meeting: Ordinary 9 April 2026 **Date:** 31 March 2026

Item Number: 11.3 **File Number:** D26/33300

SUBJECT HEADING: Caretaker Period Policy

Classification: Open Access

Officer's Title: Manager - Governance & Risk Services

Executive Summary:
The Local Government Act 2009 creates a Caretaker Period from the day notice is given of each quadrennial local government election until the final election result is declared. During the Caretaker Period, Councils are unable to make major policy decisions or engage in publishing or distributing election material. Further and by virtue of their position, Councillors and employees contesting elections must manage conflicts of interest that may yield an unfair electoral advantage over other electoral candidates.

The attached draft Caretaker Period Policy has been prepared to provide guidance to Councillors and employees contesting quadrennial elections to meet their responsibilities during the caretaker period.

Officer's Recommendation:
That Council adopt the Caretaker Period Policy as presented.

Context (*Why is the matter coming before Council?):*

A recent review of Council's Governance Framework recommended that Council adopt a Caretaker Period Policy to provide guidance to Councillors and employees standing for election at each quadrennial election, to meet statutory requirements and manage conflicts of interest that their roles create.

Background *(Including any previous Council decisions):*

To assist the local government industry, the Department of Local Government, Water and Volunteers (DLGWV) together with the Local Government Managers Association (LGMA) have prepared a template Policy for each Council to tailor to their requirements. The attached draft Policy is in essence, the industry template, just altered to tailor it to Maranoa Regional Council.

Options Considered:

A review was undertaken of other Council's Policies undertaken prior to settling upon the template Policy as the foundation for Council's proposed Caretaker Period Policy.

The review concluded that the template Policy adequately addressed Council's requirements.

Recommendation:

That Council adopt the proposed Caretaker Period Policy as presented.

Please note: this is a new Policy – no earlier versions need be repealed.

Risks:

Risk	Description of likelihood & consequences
Conduct by Council employees, contractors or elected officials that is corrupt, fraudulent, or in violation of community or general standards of ethical conduct	Primary Risk: Reputational Likelihood: Possible Consequence: Medium Mitigate Risk Rating: **Medium**

Policy and Legislative Compliance:

Chapter 3, Part 5 of the *Local Government Act 2009* (LGA)
Local Government Electoral Act 2011 (LGEA)

Budget / Funding ***(Current and future):***

Nil

Timelines / Deadlines*:*

The Caretaker Period applies only at quadrennial elections (s90A(2) of the LGA excludes by-election or fresh elections), between the period from the date the notice of the election is given under s25(1) of the LGEA to the date of the final declaration of the Polls.

Consultation ***(Internal / External):***

The proposed Policy is based off the DLGWV / LGMA template Policy and has been consulted within Council.

Strategic Asset Management Implications:
(If applicable, outline changes to whole of life costs and / or level of service)

Not applicable

Acronyms:

Acronym	Description
DLGWV	Department of Local Government, Water and Volunteers
LGA	*Local Government Act 2009*
LGEA	*Local Government Electoral Act 2011*
LGMA	Local Government Managers Association

Addition to Operational or Corporate Plan:

Plan Description	Yes / No
Operational	No
Corporate	No

Link to Corporate Plan:
Corporate Plan 2023-2028
Corporate Plan Pillar 4: Accountability
4.5 Good governance framework

Supporting Documentation:
1⇩ Caretaker Period Policy P26/5

Report authorised by:
Director - Corporate Services

COUNCIL POLICY

maranoa REGIONAL COUNCIL

Document Control	
Policy Title	Caretaker Period Policy
Policy Number	P26/5
Function	Elected Member & Executive Support
Responsible Position	Chief Executive Officer
Supersedes	
Review Date	30 September 2028

Version	Date Endorsed by ELT	Council Meeting Date (Date of Adoption / Review)	Resolution Number
1	27/03/2026	[Date]	[Resolution Number]
2			

DRAFT

1. Purpose

The purpose of this policy is to provide guidance to Councillors and employees for appropriate standards and their responsibilities during the **caretaker period** prior to each quadrennial Local Government election.

2. Scope

This policy applies to all Councillors and **employees of Council** preparing for and during the caretaker period. Caretaker periods only apply to quadrennial elections and do not apply to by-elections and fresh elections.

3. Statement

The *Local Government Act 2009* and the *Local Government Electoral Act 2011* apply a number of restrictions to Council, Councillors and **council staff** during a **Caretaker Period**, from when nominations are called for the quadrennial elections until the declaration of the polls.

The local government must ensure it does not publish election material. Candidates should take particular care in any campaign activity to ensure there can be no possible perception of the use of Council provided resources and / or facilities for any activity that could be perceived as having electoral benefit.

This policy will assist Council to fulfil its statutory obligations and provide guidance to Councillors and Council staff to ensure that the ordinary business of Council continues in a responsible and transparent manner during the **Caretaker Period**.

The **Caretaker Period** is determined by the Queensland Electoral Commission and will extend:

- On and from the date the Returning Officer for the Council Elections publishes the Notice of election, calling for nominations, as defined by s25 of the *Local Government Electoral Act 2011*; to

COUNCIL POLICY

- To and including the date of the conclusion of the election as defined by s7 of the *Local Government Electoral Act 2011*. In practice, this means the day upon which the Returning Officer issues the last declaration of the poll result.

Council reaffirms its commitment during the lead-up to the election and particularly during the **Caretaker Period** to:

- The effective and efficient continuation of all Council's activities, functions and services to the community;
- Transparent actions and decision-making in the normal course of business;
- Adherence to all legislative requirements during the Caretaker Period;
- The neutrality of Council staff; and
- The acknowledgement of the principle that the use of public funds for electoral purposes is unacceptable.

Councillors should take particular care in any campaign activity to ensure that use of Council provided resources and / or facilities, including seeking advice or information from staff, cannot be perceived, real or otherwise, as giving them an electoral advantage.

Councillors should also note that the *Code of Conduct for Councillors in Queensland* continues to apply to them until the poll is declared.

Legislative Restrictions During the **Caretaker Period**

Chapter 3, Part 5 of the *Local Government Act 2009* defines the restrictions placed on Council whilst in the **Caretaker Period.**

Major Policy Decisions

During this period, Council is prohibited from making a **major policy decision** (s90B of the Act); and includes: -

- Appointment, remuneration or dismissal of the chief executive officer of the local government;
- Entering into a contract the total value of which is the greater of $200,000 or 1% of the local government's net rate and utility charges;
- Making or preparing an arrangement list, plan or register that can be used to establish an exception to obtaining quotes or tenders when entering into contracts;
- Make, amend or repeal local laws;
- Make, amend or repeal a local planning instrument.

Should Council consider that, because exceptional circumstances exist, it is necessary in the public interest, to make a **major policy decision** during the **Caretaker Period**, then the Council may apply to the Minister for approval to make the **major policy decision** during the **Caretaker Period**.

Major Policy Decisions related to disaster recovery funding arrangements (DRFA)

If during a **Caretaker Period** the council's local government area is eligible for assistance under DRFA and the Minister considers it is necessary for the council to make a **major policy decision** during the **Caretaker Period** to achieve DRFA objectives, then the Minister may give approval to the council to make the **major policy decision** (s90BB90(2) of the Act). The approval may specify the types of **major policy decisions** that may be made by the council and may limit decisions to those stated matters (s90BB(3) of the Act).

Note: Disaster recovery funding means arrangements jointly funded by the State and Commonwealth that are known as 'Disaster Recovery Funding Arrangements'.

Invalidity of decisions

A major policy decision made by council during a **Caretaker Period** is invalid to the extent that the council does not have the Minister's approval under s90BA or s90BB of the Act to make the decision or does not comply with any condition of the approval under s90BA(4) or s90BB(4) of the Act.

A contract is void if it is subject to an invalid **major policy decision**. Any person who suffers a loss due to the invalidity of the decision has the right to be compensated and may commence legal proceedings for damages (s90C(4) of the Act).

Council Meetings

Under the *Local Government Regulation* 2012, a local government is required to hold a meeting at least once in each month, and such meetings must be held at one of the local government's public offices, or at another location fixed by council resolution for that meeting. Council Meetings will continue during the **Caretaker Period** subject to any restrictions on **major policy decisions** for which Ministerial approval has not been granted, and any other limitations provided within this policy.

However, under s257(2) of the *Local Government Regulation 2012*, a council is not required to meet in a particular month if it considers that the meeting would be impracticable or unnecessary. Circumstances where this may apply include, for example, severe weather events or a declared public health emergency. A formal resolution of Council is not required in these circumstances.

If the councillors decide to cancel the meeting a public notice of this fact must be published on Council's website.

Election Material

During the **Caretaker Period** Council must not publish or distribute any **election material**. **Election material** is defined as anything that is able to or intended to: -

- Influence an elector about voting at an election; or
- Affect the result of an election.

Other Conditions

Candidates must ensure they abide by all legislative requirements and directions from the state government and Electoral Commission of Queensland (ECQ). This includes, but not limited to, complying with all mandatory training requirements, disclosures and electoral signage protocols in the lead up to an election.

Election signs must meet the requirements of the ECQ and the *Electoral Act 1992*, Regulations apply to the display of election signage next to local and state-controlled roads. Candidates should check these requirements prior to displaying signage near roads. Information on election signage and state-controlled roads can be obtained from the Department of Transport and Main Roads: https://www.qld.gov.au/transport/safety/signs/election-signs.

Other Requirements During the **Caretaker Period**

Care must be taken to ensure that there can be no perception that Council resources have been utilised to assist Councillors or employees standing as candidates in the election campaign. Although there are statutory restrictions placed on Council during the **Caretaker Period**, it is imperative that the ordinary business of Council is also maintained during this period.

It is important that Councillors and employees standing as candidates differentiate their roles as Councillor or Candidate during this period to ensure that their actions cannot be perceived, either real or otherwise, as obtaining an unfair electoral advantage due to their role as Councillor or employee.

Use of Council Resources

Councillors and employees have access to and can continue to use Council facilities and resources to undertake their duties as an incumbent Councillor (as outlined in the Councillor Expense Reimbursement and Provision of Facilities Policy). For Councillors, Council's administration team will continue to provide support to enable Councillors undertake routine activities to fulfil their roles until their term of office ends.

Council equipment and resources are forbidden to be used for election purposes, including vehicles. At no time should election material be displayed or affixed to Council property.

Councillors and employees are to ensure that there is a clear separation between Council business and electioneering when seeking help, advice or support from Council staff. This includes requests for information that are received through Council's Acceptable Request Guidelines.

However, any requests received that are or could be perceived for electioneering purposes and that will provide Councillors or employees with an unfair election advantage, will not be supported. Council staff are encouraged to escalate any concerns for support to their Director or Chief Executive Officer.

Council Activities

Community engagement may continue if it is part of an ongoing project that requires the engagement as part of approved programs. In order to ensure results cannot be used in conjunction with any election activity, in instances where community engagement has occurred but the associated report has not been provided to Council prior to the commencement of the **Caretaker Period**, consideration for the appropriate timing of presenting the report will be undertaken by the Chief Executive Officer.

Civic and Community Events

Any civic and community events that are traditionally held during the months the **Caretaker Period** falls will continue to be held during this period.

Any requests for new civic or community events during a **Caretaker Period** should seek approval via the normal approval processes, but in doing so recognise the particular political circumstances that prevail during this period. For any new events, the following criteria must be met: -

- It is a planned event endorsed by Council's current Operational Plan;
- It is, or plans to be, routinely held at the same time of the year;
- It is a commemorative or anniversary event held on or near the anniversary date;
- It demonstrates a clear community benefit, or serves an educational or welfare purpose;
- It contributes to cultural development, social awareness or sense of community identity.

Councillor attendance will be as per their role as an elected member and / or portfolio and is not to be used as a platform for their electoral campaign. When participating in these events, Councillors should refrain from any actions and / or comments that could be perceived to be electioneering.

Community Grants

Activities approved under community grants prior to the commencement of the **Caretaker Period** may continue during a **Caretaker Period** in accordance with the approvals granted.

However, any funding round for community grants that is open during the **Caretaker Period** may remain open but applications received during this time will not be determined until after the election.

Council shall only consider community grants during the **Caretaker Period** that are aligned with the scheduled (annual) program.

Sponsorship

No new sponsorship will be approved or entered into during the **Caretaker Period** unless they are aligned with the scheduled (annual) program. This includes providing sponsorship, in-kind sponsorship, or seeking sponsorship from external entities. Any sponsorship approved prior to the commencement of the **Caretaker Period** may continue in accordance with the approvals granted.

Sponsorship applications may continue to be received during the **Caretaker Period**, however no decisions on sponsorships will be made until after the election.

Media Releases

Media releases or advertisements prepared by Council during the **Caretaker Period** will be restricted to those required to maintain the necessary routine operations of Council and must not be reasonably interpreted as being for political purposes.

During the **Caretaker Period**, Council will respond to media enquiries that relate to operational matters only. Councillors and employees may respond to media questions in their individual capacity as a candidate and should distinguish their individual opinion from that of the elected Council.

Media events may continue to be held during a **Caretaker Period** provided the media event relates to core Council business or an ongoing project and is not used for political campaigning purposes.

If the Mayor and / or a Councillor are at a media event and are asked an election related question, the Mayor and / or Councillor if seeking re-election shall respond in their capacity as a candidate or if not seeking re-election shall respond as an individual. Under no circumstances, should a response be attributed to Council.

Council's Website and Social Media

Council's website will continue to be maintained and updated during the **Caretaker Period** to ensure the community is fully informed of Council's normal operational activities and functions.

Any new material published during the **Caretaker Period** will need to be scrutinised to ensure it does not inadvertently promote an individual or group of Councillors.

No responses will be made to any political or electoral comments posted to any of Council's social media sites and any such comments may be removed at the discretion of the CEO.

Council's Employees

Council employees shall maintain the normal business activities of Council during the **Caretaker Period**. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived partisanship in order to protect the organisation's ability to impartially serve any incoming Council following an election.

Employees shall not fulfil any request that is, or could be perceived to be, an electioneering activity.

Any Council employee proposing to stand as a candidate for the election must complete an Election Management Plan. A Council officer nominating as a candidate is entitled to a leave of absence from their appointment during the election period in accordance with s203 of the *Local Government Electoral Act 2011*.

Council recognises that employees are individuals in the community and entitled to their personal opinions and private lives. Employees are reminded of the staff Code of Conduct and other relevant policies, and the need to maintain impartiality due to public perceptions.

Responsibilities

The Chief Executive Officer shall inform the Mayor, Councillors and all employees of an impending election period and the restrictions that apply, by no later than two (2) months before the commencement of an election period.

Human Rights

Council is committed to upholding the obligations within the *Human Rights Act 2019* by giving proper consideration to the provisions of the Act when making decisions relevant to this Policy.

Non-compliance

Failure to comply with this Policy, and any associated policies, guidelines and procedures, may constitute inappropriate conduct, misconduct or corrupt conduct and shall be dealt with in accordance with legislative protocols, or for staff, may result in disciplinary action being taken in accordance with Council's policies and procedures.

4. Definitions

The Act	*Local Government Act 2009*
Advertising	The promotion of an idea, goods or services to the public for which a fee is paid, refer s197 *Local Government Regulation 2012*.
Caretaker Period	As per s90A of the *Local Government Act 2009* The caretaker period for a local government is the period between the day public notice of the holding of the election is given under the Local Government Electoral Act and the conclusion of the election, that is, the date the declaration of the poll is published on the electoral commission's website (refer to s7 of the *Local Government Electoral Act 2023*). Note: there is no Caretaker Period for by-elections per s90A(2).
Civic Events	Are public events that are initiated, funded and managed by Council.
Council	Maranoa Regional Council
Councillors	All elected representatives who hold current office with Council, including the Mayor.
Council Staff / Employees of Council	Refers to all full-time, part-time, casual, permanent or temporary employees including those under a contract or labour hire company, volunteers and work experience

	students that carry out work for Council or controlled entities.
Election Material	Is prescribed in s90D of the *Local Government Act 2009* and anything able to or intended to influence and elector about voting at an election or affect the result of the election.
Major Policy Decision	Is defined in Schedule 4 of the *Local Government Act 2009.*

5. Related Policies and Legislation

This policy refers to: -

Acceptable Request Guidelines
Community Grants and Events Assistance Policy
Code of Conduct for Councillors in Queensland
Employee Code of Conduct
Expenses Reimbursement and Provision of Facilities Policy (Councillors)
Media Policy
Social Media Policy

DRAFT

OFFICER REPORT

Meeting: Ordinary 9 April 2026 **Date:** 25 February 2026

Item Number: 11.4 **File Number:** D26/18228

SUBJECT HEADING: Bendemere Pony Club - Trustee Lease - Lot 41 on WV1371

Classification: Open Access

Officer's Title: Property & Tenure Officer

Executive Summary:
Council has received correspondence from Bendemere Pony Club Inc., seeking to renew the Trustee Lease over the Yuleba Pony Club Grounds / Yuleba Racecourse Reserve, being Lot 47 on WV1371.

Officer's Recommendation:
That Council:

1. Resolves to apply the exception available to dispose of an interest in a valuable non-current asset to a community organisation pursuant to section 236(1)(b)(ii) of the Local Government Regulation 2012.
2. Enter into a Trustee Lease with Bendemere Pony Club Inc. over Lot 47 on WV1371 for a period of ten (10) years.
3. Authorise the Chief Executive Officer, (or delegate) to execute the necessary documentation.

Context (*Why is the matter coming before Council?):*

Council, as Trustee of the Reserve known as Lot 47 on WV1371, is asked to consider renewing the Trustee Lease with Bendemere Pony Club Inc. over the area known as the Yuleba Pony Club Grounds / Yuleba Racecourse Reserve.

Council is asked to consider this request.

Background *(Including any previous Council decisions):*

The Racecourse Reserve / Yuleba Pony Club Grounds is a reserve for Recreational Purposes.

Council is the Trustee of the Reserve Land, described as Lot 47 on WV1371. The Bendemere Pony Club have expressed their interest in re-entering into a formal agreement with Council in respect of the land.

Bendemere Pony Club Inc have held a lease over the grounds since 2012. During this time, the club has established and maintained equestrian facilities on the site, including riding areas, basic infrastructure, and storage equipment necessary to conduct its activities.

At the Council Meeting held on 26 October 2012, Council resolved:

Resolution No. GM.335.12

Council enter into a ten year trustee lease with the Bendemere Pony Club over part of Lot 47 on WV1371, with the lease area to encompass the currently utilised grounds and Council to incur costs associated with surveying, drafting of legal documents and lodgement costs.

The current lease is due to expire on 30 June 2026. Bendemere Pony Club has indicated its interest in continuing the use of the land, under a renewed lease arrangement.

The Reserve comprises approximately 63 hectares. Continued leasing of the site to Bendemere Pony Club is considered consistent with the Reserve's intended Recreational Purpose and supports ongoing community use.

A trustee lease is unable to be renewed or extended and so a new lease or disposal of an interest in the land (valuable non-current asset) is required. This process would require that the disposal be dealt with via a tender or auction.

Council does however have available several exception provisions under section 236 of the Local Government Regulation 2012 that enable alternative approaches to be considered.

More specifically, section 236(1)(b)(ii) provides an exception from the need for a tender or auction for the disposal of a valuable non-current asset if it is disposed of to a community organisation.

The proposed Trustee Lease with Bendemere Pony Club is considered to meet the criteria for an exception under Section 236, as the organisation is a not-for-profit community group providing recreational and community benefits.

Options Considered:

Operations Manager Yuleba – No objection regarding this request.

Recommendation:

That Council:

1. Resolves to apply the exception available to dispose of an interest in a valuable non-current asset to a community organisation pursuant to section 236(1)(b)(ii) of the Local Government Regulation 2012.
2. Enter into a Trustee Lease with Bendemere Pony Club Inc. over Lot 47 on WV1371 for a period of ten (10) years.

3. Authorise the Chief Executive Officer, (or delegate) to execute the necessary documentation.

Risks:

Risk	Description of likelihood & consequences
Declining the request	Yuleba Pony Club Inc. would not have a suitable location available to hold their activities in Yuleba.

Policy and Legislative Compliance:

Local Government Regulation 2012.

236 Exceptions for valuable non-current asset contracts

(1) Subject to subsections (2) to (5), a local government may dispose of a valuable non-current asset other than by tender or auction if –

(b) the valuable non-current asset is disposed of to—
(ii) a community organisation;

Budget / Funding ***(Current and future):***

Council will incur legal costs associated with Lease review and lodgment.

Timelines / Deadlines*:*

Current Lease is due to expire on 30 June 2026.

Consultation ***(Internal / External):***

External – President Bendemere Pony Club Inc

External – McInnes Wilson Lawyers

Internal – Operations Manager Yuleba

Internal – Manager Facility & Property Services

Strategic Asset Management Implications:
(If applicable, outline changes to whole of life costs and / or level of service)

Nil

Acronyms:

Acronym	Description
Nil	Nil

Addition to Operational or Corporate Plan:

Plan Description	Yes / No
Operational	Nil
Corporate	Nil

Link to Corporate Plan:
Corporate Plan 2023-2028
Corporate Plan Pillar 3: Connectivity
3.1 Quality, fit-for-purpose strategic facilities

Supporting Documentation:

1⇩	Current Trustee Lease - Bendemere Pony Club - Expiring 30 June 2026	D17/45740
2⇩	Current Title Serach - Lot 41 on WV1371	D24/68756

Report authorised by:
Coordinator - Property & Tenure Services
Manager - Facility & Property Services
Director - Corporate Services

QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

LEASE

FORM 7 Version 6
Page 1 of 22

717948626

$175.00
06/04/2017 15:18

Duty Imprint

BE 505

~~[illegible]~~ searchable registers in the land registry and the water register. For more information about privacy in NR&W see http://www.nrw.qld.gov.au/about/privacy/index.html.

1. Lessor
Maranoa Regional Council

Lodger (Name, address & phone number)
McInnes Wilson Lawyers
GPO Box 1089
Brisbane QLD 4001
Ph: (07) 3231 0677
Ref: MMW:BJM:ANH:93483

Lodger Code
234A

2. Lot on Plan Description
Lot 47 on CP WV1371

Title Reference
49006889

3. Lessee Given names

Surname/Company name and number (include tenancy if more than one)
Bendemere Pony Club Inc ABN 52 348 218 556

4. Interest being leased
Reserve

5. Description of premises being leased
The whole of the Lot

6. Term of lease
Commencement date/event: 01 / 07 / 2016
Expiry date: 30 / 06 / 2026 and/or Event:
#Options: Nil
#Insert *nil* if no option or inset option period (eg 3 years or 2 x 3 years)

7. Rental/Consideration
See attached Schedule

8. Grant/Execution
The Lessor leases the premises described in item 5 to the Lessee for the term stated in item 6 subject to the covenants and conditions contained in DNRM mandatory standard terms dealing no 711932933 and the attached schedule

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

COMMISSIONER FOR DECLARATIONS
DEPT. OF JUSTICE & ATTORNEY-GENERAL
Reg.No.: 4997

.....signature
DALE ALEX LESLIE WALDRON .....full name
COMMISSIONER FOR DECLARATIONS .....qualification
Witnessing Officer
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

22/3/17
Execution Date

.....
Lessor's Signature
Julie Reitano – Chief Executive Officer
Maranoa Regional Council

9. Acceptance
The Lessee accepts the lease and acknowledges the amount payable or other considerations for the lease.

.....signature
.....full name
.....qualification
Witnessing Officer
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /
Execution Date

See Enlarged Panel
.....
Lessee's Signature

93483:6900298_1

APH.

QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

ENLARGED PANEL

Form 20 Version 2
Page 2 of 22

Title Reference [49006889]

9. Acceptance

The lessee accepts the lease and acknowledges the amount payable or other considerations for the lease.

Witnessing Officer	**Execution Date**	**Lessee's Signature**
..... signature	20 / 11 / 2016	
IRIS ALDRIDGE ..... full name		
J.P. Qualified No. 67591 ..... qualification		
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		President – Bendemere Pony Club Inc

Witnessing Officer	**Execution Date**	**Lessee's Signature**
..... signature	20 / 11 / 2016	
IRIS ALDRIDGE ..... full name		
J.P. Qualified No. 67591 ..... qualification		
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		Secretary - Bendemere Pony Club Inc

93483:2763096_1

QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

ENLARGED PANEL

Form 20 Version 2
Page 2 of 22

Title Reference [49006889]

9. Acceptance

The lessee accepts the lease and acknowledges the amount payable or other considerations for the lease.

Witnessing Officer

.....signature
LEAH ANN TRIBE .....full name
JP QUAL. .....qualification
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Execution Date

08 / 06 / 17

JUSTICE OF THE PEACE (QUALIFIED) Reg.No.: 121037 DEPT. OF JUSTICE & ATTORNEY-GENERAL

Lessee's Signature

.....
President – Bendemere Pony Club Inc

BENDEMERE PONY CLUB INC COMMON SEAL ABN 57 348 218 556

Witnessing Officer

.....signature
LEAH ANN TRIBE. .....full name
JP QUAL. .....qualification
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Execution Date

08 / 06 / 17

JUSTICE OF THE PEACE (QUALIFIED) Reg.No.: 121037 DEPT. OF JUSTICE & ATTORNEY-GENERAL

Lessee's Signature

.....
Secretary - Bendemere Pony Club Inc

93483:2763096_1

QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

SCHEDULE

Form 20 Version 2

Title Reference [49006889]

REFERENCE TABLE

Item 1:	**Trustee Lessee**:	Bendemere Pony Club Inc
Item 2:	**Trust Land**:	Lot 47 on CP WV1371, County of Waldegrave, Parish of Inglebogie, Title Reference 49006889
Item 3:	**Starting date**:	1 July 2016
Item 4:	**Expiry date**:	30 June 2026
Item 5:	**Rent:**	$1.00 p.a.
Item 6:	**Outgoings Contribution**:	Yes
Item 7:	**Trustee Lessee's share**:	100%
Item 8:	**Use of Trust Land**:	means the use of the **Trust Land** for the operation of a Pony Club only.
Item 9:	**Restoration**	Yes
Item 10:	**Restoration Date**	30 March 2026

Title Reference [49006889]

(Lease of Reserve under Section 57 of the Land Act 1994)

MEMORANDUM OF AGREEMENT OF LEASE made this _____ day of _____2016

BETWEEN MARANOA REGIONAL COUNCIL

AND

BENDEMERE PONY CLUB INC

THE TRUSTEE LESSEE HEREBY COVENANTS AND AGREES WITH THE TRUSTEE AS FOLLOWS:

PART A: DEFINITIONS AND INTERPRETATION

Meaning of words

1.1 In the **Trustee Lease** words in the Reference Table have the meaning given to them in that table and words marked in **bold** have the following meaning:

act of bankruptcy means:

(a) a trustee is appointed or takes possession of any of the property of the Trustee Lessee;
(b) an application or a petition for winding up of the Trustee Lessee is made or presented, or an order is made, or an effective resolution is passed for the winding up of the Trustee Lessee, except for the purpose of reconstruction of the Trustee Lessee where the Trustee's prior consent has been obtained;
(c) the Trustee Lessee enters into a scheme of arrangement of creditors or any class of creditors; or
(d) an official manager, administrator or an inspector is appointed to the Trustee Lessee pursuant to the Corporations Act;
(e) a receiver or manager is appointed to the Trustee Lessee or to any of the assets of the Trustee Lessee; or
(f) any event or circumstances occur which means in the reasonable opinion of the Trustee, any of the above are likely to occur.

API means the Australian Property Institute (Inc) Queensland Division

authority includes the Maranoa Regional Council and any national, state, municipal or other governmental, statutory or other government approved authority or body having authority or jurisdiction over the **Trust Land** or systems or services to which the **Trust Land** is or will be connected.

building means the building/s located on the **Trust Land**

common area means the area (if any) marked as the common area on the attached Plan

council means the Maranoa Regional Council.

CPI means:
(a) the Consumer Price Index All Groups for the city of Brisbane;
(b) if that index is suspended or discontinued and another index substituted by the Australian Statistician, that index; or
(c) if there is no index issued by the Australian Statistician, the general inflation rate in Queensland as used by the Queensland Treasury for the relevant period.

Title Reference [49006889]

financial year	means 1 July to 30 June, or such other twelve (12) monthly period adopted by the Trustee from time to time for the purposes of the **Trust Land**. Where applicable, it includes any lesser period between the start of the **Trustee Lease** and the end of a **financial year**, and between the start of a **financial year** and the end of the **Trustee Lease**.
GST	means any goods and services tax or similar tax, including any interest, penalties, fines or other charges payable under the GST Act.
GST Act	means A New Tax System (Goods and Services Tax) Act 1999 and includes other GST related legislation.
indemnified	means the Trustee, the Minister and the Crown in the right of the State of Queensland.
insurance costs	means the costs of establishing and maintaining the **Trustee's insurances**.
item	means an item in the **reference table**.
Minister	means the Minister administering The Act.
operating expenses	has the meaning given to it in schedule 2.
party	means a party to this **Trustee Lease**.
related entity	of a party means a related corporation under the *Corporations Act 2001* (Cth) to that party and any other person or entity in which the party has a direct or indirect controlling interest or which usually acts in accordance with the directions or instruction or in the interests of the party.
reference table	means the reference table forming part of this **Trustee Lease**.
rent	means the yearly amount in **item 5** as varied under Schedule 1.
Reserve	means the Trust Land described in Item 2 of the Form 7, being reserved and set apart as a Reserve for Recreation purposes.
stipulated rate	means the standard default contract rate published from time to time by the Queensland Law Society Incorporated.
supply	means a supply of goods or services to the Trustee Lessee by the Trustee, including but not limited to the supply of the **Trust Land** and other goods or services provided by the Trustee under this **Trustee Lease**.
Trustee Lessee's Agents	means the Trustee Lessee's employees, agents or any person that the Trustee Lessee allows on the **Trust Land.**
The Act	means the *Land Act 1994* (Qld).
The Trustee Lessee's business	means the business carried on from the **Trust Land** in accordance with **Item 8**.
The Trustee Lessee's Property	means all property inside the **Trust Land** except the **Trustee's property** and includes all fittings, signs, equipment and goods.
The Trustee Lessee's Share	means the proportion of the trust land (expressed as a percentage), of the total area of the **Trust Land.**

Title Reference [49006889]

Trustee's insurances	means the building, industrial special risks, personal injury and other insurances taken out by the Trustee in relation to the **Trust Land** or this **Trustee Lease**.
Trustee's Property	includes all improvements and fixtures on the Trust Land.
Works	includes any building, Trust Landscaping, advertising or other sign, demolition, development, restoration and improvement to the **Trust Land**.

2. **Interpretation**

2.1 Headings are for reference only and do not form part of this **Trustee Lease**.

2.2 In this **Trustee Lease**, unless the contrary intention appears:

(a) the singular includes the plural, and the plural includes the singular;

(b) reference to a gender includes any other gender;

(c) other forms of defined words have corresponding meanings;

(d) if an obligation is imposed on two or more **parties**, each **party** is liable for the obligation individually and together with each other person;

(e) reference to a person includes any other entity or association;

(f) reference to a **party** includes that **party's** personal representatives, successors and assignees;

(g) reference to a document or law includes any variation or replacement of it;

(h) reference to something which comprises more than one part or aspect includes a reference to each or any such part or aspect; and

(i) reference to a group of persons includes a reference to all of them collectively, any two or more of them collectively, and each of them individually.

2.3 This **Trustee Lease** binds the Trustee Lessee from the **starting date** even if:

(a) one or more of the **parties** has not executed this **Trustee Lease**; or

(b) the execution of this **Trustee Lease** by any of the **parties** is or may become void or voidable.

2.4 Each **party** when executing this **Trustee Lease** unconditionally signs, seals and delivers this **Trustee Lease** as a deed with the intention to be immediately legally bound by this **Trustee Lease**.

2.5 Every covenant of or by the Trustee Lessee is deemed to include a covenant by the Trustee Lessee to procure compliance with that covenant by each of the **Trustee Lessee's agents**.

2.6 Wherever the Trustee Lessee is prohibited from performing any act or doing any matter or thing the Trustee Lessee must also be prohibited from permitting or suffering such act, matter or thing to be done.

2.7 This **Trustee Lease** does not bind the Trustee unless the Trustee and all other **parties** (or a lesser number as the Trustee shall consent to) have executed this **Trustee Lease**.

2.8 References to any right of the Trustee to have access to the **Trust Land** are to be construed as extending to all persons authorised by the Trustee (including agents, professional advisers, contractors, workmen, prospective Trustee Lessees and purchasers of the **Trust Land** and others) and includes the right to take on to the **Trust Land** all machinery, materials and appliances as the Trustee may deem necessary.

Title Reference [49006889]

2.9 Unless application is mandatory by law, any law whether present or future, will not apply to this **Trustee Lease** so as to in any way prejudicially affect any of the rights of the Trustee under this **Trustee Lease**.

2.10 The waiver by the Trustee of any breach by the Trustee Lessee of any covenant must not in any circumstances be construed or operate as a licence to the Trustee Lessee to repeat or continue any such default or breach and no such waiver may be construed or operate as a waiver of any subsequent default or breach whether of a like nature or not. Any custom or practice which may grow between the parties in the course of administering this **Trustee Lease** must not be construed to waive or lessen the right of the Trustee to insist upon the performance by the Trustee Lessee of any covenant.

2.11 References to any **authorities** associates and bodies whether statutory or otherwise will in the event of such **authority**, association or body ceasing to exist or being reconstituted, renamed or replaced or the powers or functions thereof being transferred to any other **authority**, association or body be deemed to refer respectively to the authority, association, or body established or constituted in lieu thereof or, in the opinion of the Trustee, as nearly as may be succeeding to the powers or functions thereof.

2.12 Any reference to a statute includes all statutory provisions amending, consolidating or replacing the statute and all regulations, rules, by-laws, proclamations, orders and other authorities resulting from, contained in or pursuant to the statute.

2.13 Every obligation undertaken by any of the **parties** or arising from this **Trustee Lease** must, subject to any provisions of this **Trustee Lease** limiting the obligations of the Trustee and notwithstanding the form or context of the wording:

(a) be deemed to be and be construed as a covenant by the **party** undertaking the obligation; and

(b) be construed as commencing on the **starting date** (whether or not this **Trustee Lease** is executed by all of the **parties** on or before that date) and continuing throughout the term and after that period, for so long as the obligation remains to be observed or performed.

2.14 In the event that any covenant for any reason whatsoever is acknowledged by the parties, or is adjudged by a court of competent jurisdiction or is held or rendered by any competent **authority** to be invalid, illegal or unenforceable, such covenant must be severed from the remainder of the covenants and the remainder of the covenants will subsist and remain in full force and effect unless the basic purpose or purposes of this **Trustee Lease** would be defeated.

2.15 Each person signing this **Trustee Lease**:

(a) as attorney for any **party** warrants to the other **parties** that at the date of execution by him, he has not received any notice or information or the revocation of the power of attorney appointing him; and

(b) as an officer, agent or trustee of any **party** warrants to the other **parties** that at the date of execution by him he has full authority to execute this **Trustee Lease** in that capacity.

PART B: RENT

3. **The Trustee Lessee must pay the Trustee rent and other money**

3.1 The Trustee Lessee must pay the Trustee the **rent** in accordance with Schedule 1.

3.2 The Trustee Lessee must not make any deduction or claim any setoff against the Trustee Lessee's payment of **rent**.

4. **Agreed increases**

4.1 The Trustee Lessee must pay the varied **rent** in accordance with Schedule 1.

Title Reference [49006889]

PART C: OPERATING EXPENSES

5. **The Trustee Lessee must pay operating expenses**

5.1 If **item 6** says the Trustee Lessee contributes to the **operating expenses** of the **Trust Land**, the Trustee Lessee must pay the **Trustee Lessee's share** of **operating expenses** in accordance with Schedule 2.

PART D: OTHER PAYMENTS

6. **The Trustee Lessee must pay for services to Trust Land**

6.1 Subject to clause 6.2, the Trustee Lessee must pay on time all charges, duties, fees and taxes made directly against the Trustee Lessee or against the Trustee for services separately supplied to the **Trust Land**, for example water, electricity, gas and telephone.

6.2 The Trustee agrees to pay the rates and water access charges payable in relation to the Trust Land.

7. **The Trustee to pay for Trustee Lease**

7.1 The Trustee agrees to pay for the drafting of this **Trustee Lease.**

7.2 The Trustee agrees to pay all survey and registration fees required for this **Trustee Lease**

7.3 Notwithstanding clause 7.1 and 7.2 above, the Trustee Lessee must pay its own legal costs with respect to the negotiation and finalisation of this **Trustee Lease.**

7.4 The Trustee may recover from the Trustee Lessee:

(a) the Trustee's reasonable costs (including legal expenses) associated with any request for the Trustee's consent to any assignment under this **Trustee Lease** or any other consent or approval from the Trustee required under this **Trustee Lease** (including the consent or approval from the Minister); and

(b) damages for the Trustee's loss (including legal expenses) associated with any actual or reasonably suspected breach of this **Trustee Lease**, other than a breach by the Trustee; and

(c) any **GST** payable by the Trustee in relation to any **supply** (except to the extent that the Trustee is entitled to an input tax credit for such **GST**).

7.5 Unless expressly stated all amounts expressed in this Trustee Lease are **GST** exclusive amounts.

8. **Interest on late payments**

8.1 The Trustee Lessee must pay to the Trustee interest on any rent or other money which are in arrears calculated at the **stipulated rate** from the time of such money falling due to the date of payment added. Any monies which are unpaid as a result of consecutive breaches of the same obligation will bear interest at the rate applicable to the monies which were payable on the breach of the obligation which occurred first.

8.2 On the last day of each month, the Trustee may add the interest to the unpaid money, and the Trustee's damages will include interest on the total amount.

PART E: RISKS AND INSURANCE

9. **The Trustee Lessee must have insurance**

9.1 The Trustee Lessee must have current insurance, in the joint names of the Trustee Lessee and the Trustee, for all of the following:

Title Reference [49006889]

(a) Industrial Special Risks Policy for the usual risks and covering the **Trustee Lessee's property** for its full replacement value;

(b) Workers' compensation;

(c) Plate glass (and other fixed glass) for its full replacement value;

(d) All insurances required under clause 14 of the Mandatory Standard Terms;

(e) Any other insurance required by law or by the Trustee or Minister (acting reasonably).

9.2 The Trustee Lessee must give the Trustee evidence of each of the above policies of insurance at the commencement of this **Trustee Lease**, upon the renewal of each relevant insurance policy and at any other time the Trustee reasonably asks.

9.3 The Trustee Lessee must not do anything that the Trustee Lessee is aware will invalidate the **Trustee's insurances**, reduce the amount of cover or increase the premium.

10. **The Trustee Lessee releases and indemnifies the Trustee**

10.1 The Trustee Lessee occupies and uses the **Trust Land** at the Trustee Lessee's own risk. The Trustee Lessee also carries out **works** in the **Trust Land** at the Trustee Lessee's risk.

10.2 All insurance policies for the cover taken out under clause 9.1 must:

(a) be with an insurer approved by the Trustee and Minister, with that approval not be unreasonably withheld;

(b) be in the name of the Trustee Lessee and note the respective rights and interests of the **indemnified**;

(c) include a cross liability clause under which the Insurer agrees to waive all rights of subrogation against each party noted on the policy under clause 9.1

(d) require the insurer to give three weeks notice of cancellation to the Trustee before cancelling or refusing to renew the policy;

(e) not have any exclusions, endorsements or variations without the Trustee and Ministers prior consent; and

(f) be for an amount cover the risks and contain terms that are acceptable to or required by the Trustee acting reasonably from time to time

10.3 For all insurance policies for the cover taken out under clause 9.1 the Trustee Lessee must:

(a) pay the premium for each policy on time;

(b) not vary or cancel a policy without the Trustee's and Ministers prior consent;

(c) renew immediately any lapsed policy;

(d) not knowingly or otherwise allow any circumstances to arise that might result in any of the policies being voided or prejudiced;

(e) rectify immediately any situation when a policy has been voided or prejudiced (in breach of clause 10.3 (b));

Title Reference [49006889]

(f) notify the Trustee and Minister of the cancellation of a policy or any circumstances that may affect a policy or a claim or lead to a claim as soon as reasonably practicable after the Trustee Lessee becomes aware of it;

(g) use the insurance proceeds of any claim made under a policy for the replacement of the item insured or satisfaction of the claim made or otherwise as directed by the Trustee acting reasonably; and

(h) not deal with any material claim under a policy without giving prior notice to the Trustee and Minister. The Trustee or Minister may require that it assume conduct of that claim or that its consent be obtained before anything is done about that claim

11 **Trustee's Liability Limited**

11.1 If the Trustee enters or takes the benefit of the **Trustee Lease** as trustee of a trust, the Trustee will be liable under the **Trustee Lease** only up to the extent to which the Trustee is indemnified out of the assets of the trust.

11.2 The Trustee is only personally liable if the Trustee is fraudulent, negligent or in breach of trust. If the Trustee is not personally liable, the Trustee Lessee must not sue the Trustee personally or seek to wind the Trustee up to recover any outstanding money.

PART F: OBLIGATIONS GENERALLY

12 **Obey the law**

12.1 The Trustee Lessee must obey any law that requires the Trustee Lessee to do anything, or not to do anything concerning the **Trust Land**, the Trustee Lessee's use of the **Trust Land**, **the Trustee Lessee's business** or the **Trustee Lease**.

13 **Using the Trustee Lease as security**

13.1 The Trustee Lessee must obtain the written consent of the Trustee and the Minister before the Trustee Lessee uses the **Trustee Lease** or **the Trustee Lessee's property** as security.

14 **The Trustee Lessee's behaviour**

14.1 The Trustee Lessee must not do anything that is, or may be, dangerous or unreasonably annoying or offensive or that may interfere with other Trustee Lessees or people in the **Trust Land** or the adjacent property.

PART G: THE TRUSTEE LESSEE'S OBLIGATIONS

15 **Using the Trust Land**

15.1 The Trustee Lessee may only use the **Trust Land** for the purpose set out in **item 8** and any storage associated with that use or such other use as the Trustee approves.

15.2 The Trustee may not allow another Trustee Lessee in the **Reserve** to carry on the same or a similar business to the **Trustee Lessee's business**.

15.3 The Trustee Lessee must carry on the **Trustee Lessee's business** and use the **Trust Land** to the best of their ability and in a professional and competent way.

15.4 In their use of the **Trust Land** the Trustee Lessee must at all times act in the best interests of the **Trustee Lessee's business** and the Trustee.

Title Reference [49006889]

15.5 The Trustee Lessee must ensure that any lighting on the **Trust Land** will not cause nuisance or inconvenience to adjacent Landowners or other Trustee Lessee's on the **Reserve**.

15.6 The Trustee Lessee's use of the **Trust Land** must not interfere with or cause damage to any watercourse on or adjacent to the **Trust Land** or **Reserve.**

15.7 The Trustee Lessee must provide and implement, to the Trustee's satisfaction, a dust mitigation program for the **Trust Land**, including all entry and exit routes. A current copy of the dust mitigation program must be provided to the Trustee upon request at all times during the term.

15.8 The Trustee Lessee must create and implement, to the Trustee's satisfaction, safety policies, procedures and practices in relation to the Trustee Lessee's Business sufficient to comply fully with the Trustee Lessee's obligations as a 'Person Conducting a Business or Undertaking' under the *Work Health and Safety Act 2011* (Qld). The Trustee Lessee acknowledges that the Trustee may require the Trustee Lessee to implement changes to its existing policies, procedures and practices from time to time as the Trustee deems necessary.

15.9 The Trustee Lessee must provide the Trustee with a report every three months covering all safety, hazard and risk management issues relating to the Trustee Lessee's Business and the Trust Land. The Trustee Lessee shall provide to the Trustee upon request such further information relating to safety as the Trustee may reasonably require.

15.10 The Trustee Lessee warrants that all information provided to the Trustee by the Trustee Lessee in accordance with clause 15.10 is correct and complete. The Trustee Lessee indemnifies the Trustee for any and all liability that arises as a result of incorrect or incomplete information provided to the Trustee.

15.11 The Trustee Lessee must notify the Trustee immediately upon the occurrence of any and all incidents on the Trust Land involving injury or the risk of injury to a worker or other person on the Trust Land.

15.12 The Trustee Lessee must ensure that it takes reasonable steps to mitigate nuisance or inconvenience caused to adjacent Landowners and other Trustee Lessee's on the **Reserve** by noise produced in course of carrying out the **Trustee Lessee's business**.

15.13 The Trustee Lessee must ensure that the **Trustee Lessee's business** complies with the applicable local **authority** planning scheme in place at the **starting date** of the **Trustee Lease** and shall provide the Trustee with written confirmation of this compliance on or before the **starting date** and as reasonably required throughout the term.

16 **The Trustee Lessee must fix damage**

16.1 The Trustee Lessee must promptly fix any damage the Trustee Lessee causes to the **Trust Land**.

17 **Dealing with the Trust Land**

17.1 The Trustee Lessee may not transfer, mortgage or sublease this **Trustee Lease** without the prior Approval of the Trustee and the Minister (if required under the Act).

18 **Maintaining the Trust Land and the Trustee Lessee's property**

18.1 The Trustee Lessee must keep the **Trust Land** and the **Trustee's Property** clean and tidy.

18.2 The Trustee Lessee must keep the **Trust Land** and the **Trustee's Property** in good condition including carrying out any repairs (including repairs of a structural nature) and fixing any damage the Trustee Lessee causes.

18.3 The Trustee Lessee must maintain and repair and keep **the Trustee Lessee's property** in good condition.

Title Reference [49006889]

19 **Restoration of Trust Land**

19.1 If **item 9** provides for **restoration**, at any time after the **restoration** date in **item 10**, the Trustee may require the Trustee Lessee to **restore** the **Trust Land** to essentially the same state of repair as at the **starting date.**

19.2 **restoration** may include, but is not limited to:

(a) new signs and new lighting;

(b) upgrade and upkeep of roads on the **Trust Land**; and

(c) any other **restorations** requested by the Trustee to ensure the **Trust Land** is restored to essentially the same state of repair as at the **starting date.**

19.3 The Trustee must give the Trustee Lessee a notice at least 60 days before the Trustee Lessee must start the **restoration**. Within 30 days of receiving the notice, the Trustee Lessee must give the Trustee professionally drawn plans and specifications for the **restoration**, for the Trustee's approval. When the Trustee gives the Trustee's approval, the Trustee Lessee must then get any relevant **authority's** approval.

19.4 The Trustee Lessee must start the **restoration** within 14 days of obtaining the approvals, and the Trustee Lessee must build and finish it in accordance with the Trustee's approval within 60 days of that start or a later time if the Trustee consents.

20 **Altering the Trust Land**

20.1 The Trustee Lessee may not undertake any building work (including altering, installing equipment on, redesigning the interior of or building partitions in any part of a building on the Trust Land) on the **Trust Land** without the prior written consent of the Trustee.

20.2 The Trustee Lessee must pay the Trustee's reasonable costs of considering any application for consent including the reasonable costs of having the Trustee's consultants review, comment and if appropriate, supervise such work.

20.3 If the Trustee consents to any building works, those works must be done:

(a) in a proper and workmanlike manner;

(b) in accordance with drawings and specifications approved by the Trustee;

(c) in accordance with any conditions imposed by the Trustee on its approval;

(d) in accordance with all laws and the requirements of authorities.

20.4 If the Trustee Lessee carries out any building works with the Trustee's consent, the Trustee appoints the Trustee Lessee as principal contractor under the *Work Health and Safety Act 2011* (Qld), and the Trustee Lessee must sign any notice required to confirm the Trustee Lessee's acceptance of that appointment.

20.5 The Trustee Lessee must comply with any development approvals or permits that the Trustee Lessee or Trustee holds in relation to the Trust Land.

20.6 The Trustee Lessee must not make any improvements to the property without the prior written consent of the Minister in accordance with s59(2) of The Act.

Title Reference [49006889]

21 **When the Trustee Lease ends**

21.1 When the **Trustee Lease** ends, the Trustee Lessee must:

(a) vacate the **Trust Land** within thirty (30) days from the expiry date and give the **Trust Land** back to the Trustee in the same condition as it was in at the start of the **Trustee Lease.** The Trustee may, in its discretion, allow the Trustee Lessee to leave any alterations made by the Trustee Lessee in accordance with clause 20.1.

(b) remove all **the Trustee Lessee's property**, making good any damage that the Trustee Lessee causes. Anything left for longer than seven (7) days after the end of the **Trustee Lease** will, if the Trustee chooses, become the **Trustee's property** or the Trustee may dispose of it as the Trustee see fit at the Trustee Lessee's cost;

(c) cease to use the **Trust Land's** name in connection with the **Trustee Lessee's business**;

(d) immediately give the Trustee all keys and access devices that the Trustee Lessee has for the **Trust Land;** and

(e) Carry out **restoration** of the **Trust Land** pursuant to clause 19.

PART H: THE TRUSTEE'S RIGHTS AND OBLIGATIONS

22 **The Trustee's management**

22.1 The Trustee must manage and operate the **Trust Land** in a professional and competent way.

23 **The Trustee must obey the law**

23.1 **The Trustee** must obey any law relating to or that requires the Trustee to do anything concerning the **Trust Land** (except where that thing is the Trustee Lessee's responsibility under this **Trustee Lease**) including paying any rates, taxes and other expenses and including the Trustee Lessee's obligations under clause 15.

24 **Trustee Lessee must maintain the Trust Land**

24.1 The Trustee Lessee must do all the Trustee Lessee reasonably can to keep the **Trust Land** clean, tidy and in good condition.

25 **The Trustee's quiet enjoyment**

25.1 If the Trustee Lessee complies with the **Trustee Lease**, the Trustee must allow the Trustee Lessee to occupy and use the **Trust Land** without the Trustee unreasonably interrupting or disturbing the Trustee Lessee, except where the **Trustee Lease** allows the Trustee to do so.

26 **The Trustee's services**

26.1 If the Trustee supplies services to the **Trust Land**, the Trustee must do all the Trustee reasonably can to ensure that they are working efficiently during the Term. However, the Trustee is not liable for any compensation and the Trustee Lessee cannot end the **Trustee Lease** if the Trustee does not.

Title Reference [49006889]

27 **The Trustee may enter the Trust Land**

27.1 The **Trustee** may enter the **Trust Land** for inspection or to carry out works under this **Trustee Lease** at any reasonable time and after giving the Trustee Lessee reasonable notice (except in the case of emergency).

28 **The Trustee may do things on the Trustee Lessee's behalf**

28.1 The Trustee may carry out any of the Trustee Lessee's obligations on the Trustee Lessee's behalf if the Trustee Lessee does not carry them out on time. The Trustee may recover from the Trustee Lessee damages for the Trustee's costs in doing so.

29 **Giving the Trustee's consent**

29.1 If the Trustee Lessee requires the Trustee's consent or approval such consent or approval must be in writing, the Trustee may withhold this consent or approval as the Trustee see fit (unless this **Trustee Lease** says the Trustee must act reasonably) and the Trustee may give such consent or approval subject conditions.

30 **Kiosks and Carts**

30.1 The Trustee may erect or locate, or allow others to erect or locate, from time to time when the Trustee decides, kiosks, carts and other structures in any part of the Trust Land.

PART I: REPAIRS OR BUILDING WORK

32. **The Trustee may do any repairs or building work**

32.1 The Trustee may do any repairs or maintenance to the **Trust Land**.

32.2 The Trustee may do any building work to extend or change the **Trust Land**.

33. **When the Trustee does repairs or building work**

33.1 The Trustee must give the Trustee Lessee reasonable notice of any repairs, maintenance or building work which the Trustee intends to carry out to the **Trust Land**. The Trustee must cause as little disruption to the Trustee Lessee's use of the **Trust Land** as is reasonable in the circumstances.

33.2 If the Trustee does anything that is within the Trustee's control and which the Trustee Lessee proves adversely affects the Trustee Lessee's use of the **Trust Land**, the Trustee must negotiate with the Trustee Lessee in good faith about reducing the **rent** or any other money payable by a reasonable amount.

PARTJ: IF THE TRUST LAND AND/OR IMPROVEMENTS ARE DAMAGED ETC.

34. **If damaged or destroyed**

34.1 If the Trust Land or any part thereof is damaged or destroyed (other than as a result of the actions or omissions of the Trustee Lessee, or its agents or employees), and as a result the Trustee Lessee cannot use or access the Trust Land, then the Trustee Lessee may ask the Trustee to reinstate the **Trust Land**. Meanwhile the Trustee Lessee must continue to use any part of the **Trust Land** that is useable, safe and accessible, and to obey the **Trustee Lease** as far as possible.

34.2 If the Trustee does not reinstate the **Trust Land** within a reasonable time after the Trustee Lessee asks, the Trustee Lessee or the Trustee may end the **Trustee Lease** by notice to the other.

34.3 But the Trustee Lessee cannot end the **Trustee Lease** and must continue to pay **rent** and all other money up to the **expiry date** if the Trustee's insurer is not legally required to pay because the Trustee Lessee caused or contributed to the damage or destruction.

34.4 The Trustee is not liable to pay the Trustee Lessee compensation, but the Trustee must reduce the Trustee Lessee's **rent** and any other money by any reasonable amount depending on the type and extent of the damage or destruction, and until the **Trust Land** is again fit for use or the **Trustee Lease** is ended.

34.5 If the **Trust Land** or the improvements on the **Trust Land** or both become wholly or partially unfit for use or occupation for any reason whatsoever the Trustee Lessee will use its best endeavours to undertake such remedial action as is necessary to restore normal operations on the **Trust Land** as quickly as possible.

35. **If resumed**

36.1 If an **authority** resumes the **Trust Land** or any part of it, and this makes the **Trust Land** unfit for the Trustee Lessee's use, then the Trustee Lessee may end the **Trustee Lease** on one (1) months written notice. The Trustee is not liable to pay the Trustee Lessee any compensation if the Trustee Lessee terminates the **Trustee Lease**.

PART K: BREACH OF THE TRUSTEE LEASE

36. **How the Trustee Lessee breaches the Trustee Lease**

36.1 The Trustee Lessee breaches the **Trustee Lease** if:

(a) the Trustee Lessee disobeys any term of the **Trustee Lease**; or

(b) the Trustee Lessee commits an **act of bankruptcy**.

37. **If the Trustee Lessee breaches the Trustee Lease**

37.1 If the Trustee Lessee breaches the **Trustee Lease**, the Trustee may, subject to section 65 of The Act, serve the Trustee Lessee with a notice specifying the breach and, if it can be remedied, asking the Trustee Lessee to remedy the breach within a reasonable time being not less than 7 days. This notice may be a notice under section 124 of the *Property Law Act 1974* (Qld).

37.2 If the Trustee Lessee breaches the **Trustee Lease** and does not remedy it as required, or if the breach can't be remedied, the Trustee may do any one or more of the following:

(a) re-enter and take possession of the **Trust Land**;

(b) terminate the **Trustee Lease**;

(c) recover from the Trustee Lessee any loss the Trustee suffers, due to the Trustee Lessee's breach;

(d) recover all money payable by the Trustee Lessee according to the **Trustee Lease** up to the **expiry date** but the Trustee must try to minimise the Trustee's loss; and

(e) exercise any of the Trustee's other legal rights.

Title Reference [49006889]

PART L: NON-RENEWAL

38. The Trustee Lessee acknowledges that the **Trust Land** is Leased under a Trustee Lease and that this Trustee Lease is not capable of renewal.

39. Prior to the expiry of the current Trustee Lease term, the Trustee Lessee may enter into negotiations with the Trustee to enter into a new Trustee Lease of the Trust Land. However, the Trustee Lessee acknowledges that the Trustee is under no obligation to grant a new Trustee Lease to the Trustee Lessee.

40. In the event that the Trustee Lessee assigns this Trustee Lease or a change in ownership of the Trustee Lessee occurs, the outgoing Trustee Lessee must ensure that the assignee is aware of clauses 38 and 39 of this Trustee Lease.

PART M: NOTICES

41. **Notices to be in writing**

41.1 A notice required by this **Trustee Lease** must be in writing.

42. **Serving notices**

42.1 The Trustee may serve a notice on the Trustee Lessee by leaving it at, or posting or faxing it to, the Trustee Lessee's business address as last known to the Trustee. Alternatively, a notice may be served on the Trustee Lessee by delivering it personally to the Trustee Lessee.

42.2 The Trustee Lessee may serve a notice on the Trustee by leaving it at, or posting it or faxing it to the Trustee's registered office or the Trustee's business address as last known to the Trustee Lessee.

PART N: GENERAL MATTERS

43. **Queensland law applies**

The **Trustee Lease** is governed by Queensland law. The Trustee Lessee and the Trustee submit to the non-exclusive jurisdiction of the Courts of Queensland.

44. **Property Law Act sections do not apply**

44.1 The provisions of The Act and the *Property Law Act 1974* of the State of Queensland including any Act in substitution shall apply with respect to this Trustee Lease except in so far as any such provision is expressly or impliedly negatived or modified by the terms and conditions of this Trustee Lease, in particular, clause 44.2

44.2 The following obligations or powers in the *Property Law Act 1974* (Qld) are separately covered in the **Trustee Lease** and excluded from it: section 105 (Trustee Lessee's Covenants to pay Rent and Repair), section 107 (Trustee's Powers to Enter and View, Repair and retake Possession) and section 109 (Short forms of Covenants).

45. **Representations and warranties**

45.1 The Trustee Lessee acknowledges that the terms of this **Trustee Lease** set out the entire agreement between the Trustee Lessee and the Trustee in relation to the subject matter of this **Trustee Lease**.

45.2 The Trustee Lessee acknowledges and agrees that prior to it entering into this **Trustee Lease**, the Trustee complied with all applicable laws regarding this **Trustee Lease**.

Title Reference [49006889]

46. **Validity of the Trustee's documents**

46.1 Any document or notice the Trustee gives under this **Trustee Lease** is valid when:

(a) executed by Trustee's Chief Executive Officer, Mayor or other authorised officer; or

(b) signed by the Trustee's attorney pursuant to a power of attorney; or

(c) signed by the Trustee's lawyer.

47. **Saturdays, Sundays and Public Holidays**

47.1 Anything to be done on a Saturday, Sunday or a Public Holiday in the place where the **Trust Land** is located may be done on the next business day.

48. **No waiver**

48.1 A term of this **Trustee Lease** cannot be waived by the Trustee except in writing, even if the Trustee allows the Trustee Lessee time or some other indulgence and even if the Trustee accepts **rent** or other money under this **Trustee Lease**.

49. **Signage**

49.1 The Trustee Lessee may erect any signs or advertising devices on the exterior of the **building** which relate to the **Trustee Lessee's business** but the Trustee Lessee must first obtain the Trustee's written approval. The Trustee's approval is subject to a consideration of the impact of such signs or advertising devices on the long term future of the **Trust Land.** The Trustee Lessee must comply with all relevant laws in relation to such signs or advertising devices.

49.2 When this **Trustee Lease** ends, the Trustee Lessee must remove all signage and advertising devices erected by the Trustee Lessee and make good any damage caused by such removal.

50. **Mortgagees Consent**

50.1 If applicable, the Trustee will obtain the consent to this **Trustee Lease** of any mortgagee of the **Trust Land** registered in priority to this **Trustee Lease.** The Trustee Lessee must pay the mortgagee's costs of such consent and comply with any conditions of such consent.

51. **Consent to Disclosure**

51.1 By signing this **Trustee Lease**, the Trustee Lessee consents to the Trustee disclosing any information in the Trustee's possession concerning the Trustee Lessee including this **Trustee Lease**, to a third party for any reason whatsoever including but not limited to:

(a) any prospective purchaser of the **Trust Land**;

(b) obtaining any legal or accounting or financial advice;

(c) lodging any application with any **authority** where the application relates to any aspect of the **Trust Land**; and

(d) any prospective financier who will take as security a mortgage or other encumbrance over the **Trust Land** or any assets of the Trustee.

52. **Additional Provisions**

52.1 The additional provisions contained in schedule 3 (if any) form part of this **Trustee Lease.**

52.2 To the extent of any conflict with the provisions of this **Trustee Lease**, the additional provisions in

Title Reference [49006889]

Schedule 3 prevail.

52.3 This Trustee Lease is subject to the provisions of The Act and if any clause or condition of the Trustee Lease is inconsistent with that Act, the provisions the Act shall prevail to the extent of any such inconsistency.

52.4 This Trustee Lease is subject to the provisions of **DNRM Mandatory Standard Terms Document Dealing No. 711932933** (**Document**) and if any clause or condition of the Trustee Lease is inconsistent with the Document, the provisions the Document shall prevail to the extent of any such inconsistency.

Title Reference [49006889]

SCHEDULE 1
RENT
(Clause 3)

1. **The Trustee Lessee must pay the Trustee rent**

   1.1 The Trustee Lessee must pay the Trustee the **rent** each year, upon receipt of an invoice from the **Trustee.**

2. **CPI Review**

   2.1 Where **Item 5** of the **Reference Schedule** specifies that the rent is to be adjusted according to **CPI,** the **rent** must be reviewed on the anniversary of the **Starting Date** in each year of the **lease** and shall be calculated in accordance with the following formula:

$$A = B\,x\frac{C}{D}$$

   where: **A** is the Rent for the next year of the term;

   B is the annual Rent paid by the Trustee Lessee just prior to the relevant anniversary of the **Starting Date;**

   C is the CPI for the quarter immediately preceding the relevant anniversary of the **Starting Date**; and

   D is the CPI for the quarter preceding the most recent previous rent review date, or, where there is no previous rent review date, the quarter preceding the start of the term.

3. **Payment of Rent Prior to Review**

   3.1 Until the rent has been reviewed by the Trustee in any given lease year, the Trustee Lessee must continue to pay the **rent** payable immediately prior to the anniversary of the **Starting Date** in the relevant calendar year.

   3.2 Any variation in **rent** resulting from a **CPI review** takes effect on the relevant anniversary of the **starting date.**

   3.3 Within fourteen (14) days of rent review (where the review occurs after the anniversary of the **Starting Date** in any given year), the Trustee must refund any overpaid **Rent** or the Trustee Lessee must pay any shortfall.

4. **Floor Under Rent**

   4.1 Where as a result of the quantum of a valuation issued in any year the **rent** payable would, for the **Trustee Lease** year commencing on the anniversary of the **Starting Date** in that calendar year be less than that payable in the preceding **Trustee Lease** year, the **Rent** payable shall remain at the level for that preceding **Trustee Lease** year and shall not be reviewed until the anniversary of the **Starting Date** in the following calendar year.

Title Reference [49006889]

SCHEDULE 2

OPERATING EXPENSES
(Clause 5)

1. **Application of Schedule**

1.1 If **item 6** says the Trustee Lessee makes an outgoings contribution, this schedule applies.

2. **Additional Definitions**

2.1 **Operating Expenses** means all money the Trustee pays or is obliged to pay concerning the **Reserve**, namely:

(a) rates or assessments or other fees (for example; council rates, water rates, electricity, gas, sewerage);

(b) taxes but excluding land tax, Trustee's income tax and capital gains tax;

(c) premiums for insurance against all risks concerning the **Reserve** and the Trustee, including:

(i) public liability insurance;
(ii) works compensation insurance for the **Trustee's** employees;
(iii) reinstatement of the **Reserve** land;
(iv) machinery breakdown.

(d) expenses relating to the maintenance of and repairs to the **Reserve** (excluding structural repairs);

(e) expenses relating to the management and operation of the **Reserve**;

(f) expenses relating to services (for example, cleaning, pest control, liquid removal, waste removal, security, fire prevention, air-conditioning) for the **Reserve**;

(g) expenses relating to the provision, maintenance and operation of the **Reserve**;

but **operating expenses** does not include:

(a) any expenses which the Trustee is not permitted by law to recover from the Trustee Lessee; or

(b) any expenses which the Trustee has otherwise agreed to pay under this **Trustee Lease**.

If any expenses relate to the Trustee or other Trust Land not within the **Trust Land**, the Trustee may apportion and allocate to the **Trust Land** and include within the **operating expenses** such part of such expenses that may in the Trustee's opinion relate to the **Trust Land**.

3. **The Trustee Lessee must pay its share of operating expenses**

3.1 The Trustee Lessee must pay the Trustee the **Trustee Lessee's share** of the **operating expenses**.

4. **Additional Services**

4.1 If the Trustee Lessee determines that additional utility services (including, for example, electricity, water, telephone and sanitation) to the **Trust Land** are required, it must arrange for the provision, installation, connection and operation of those services at its own cost.

4.2 The Trustee Lessee must at its sole cost and expense maintain all utility services and associated fittings within the **Trust Land** to the satisfaction of the relevant authority.

4.3 The Trustee Lessee must at its sole cost and expense provide and maintain such number of suitable covered waste containers or such other containers as may be required or approved by the Trustee and dispose of all waste in the manner and at such times as directed by and to the satisfaction of the Trustee.

Title Reference [49006889]

SCHEDULE 3

ADDITIONAL PROVISIONS

(Clause 52)

1. **Use of Trust Land & Operations**

1.1. The Trustee Lessee will use the **Trust Land** only for the permitted use and will, in a bona fide active and reasonable manner use the **Trust Land** for the permitted use.

1.2. The Trustee does not expressly or impliedly warrant that the **Trust Land** or any part thereof is now or will remain suitable or adequate for the permitted use and all warranties (if any) as to the suitability and adequacy of the **Trust Land** or any part of the **Trust Land** implied by law are hereby expressly negatived to the extent permitted by law. The Trustee does not expressly or impliedly give any warranty or undertaking as to the nature of any business to be carried on in the **Trust Land** otherwise than as set out in this Trustee Lease.

1.3. The Trustee Lessee will comply with all laws applicable to the use of the **Trust Land** for the permitted use.

1.4. The Trustee Lessee must take such action as may be necessary to ensure that the permitted use does not, in the Trustee's opinion cause any undue noise in any other way detract from the amenity of the surrounding areas.

2. **The Trustee's Approval of Plans Etc**

2.1. The Trustee Lessee must not commence any Works on the **Trust Land** without firstly submitting plans and specifications for the Works to the Trustee for its approval. The Trustee will not unreasonably withhold its approval.

2.2. Any Works approved by the Trustee must be carried out in accordance in every respect with the plans and specifications as approved by the Trustee and in carrying out Works the Trustee Lessee must comply with all relevant laws.

3. **Maintenance, Repairs and Structural Works**

3.1. The Trustee Lessee must, at its sole cost and expense and to the satisfaction of the Trustee, keep all structures on the **Trust Land**, whether existing on the commencement date or created after the commencement date in good and efficient condition and in a thorough state of repair (including structural repairs and such painting as may be deemed necessary by the Trustee). The Trustee Lessee must also properly clean and maintain the **Trust Land** in all respects and will carry out all necessary maintenance to protect any structure on the **Trust Land** and the fixtures and fittings thereon from deterioration.

3.2. The Trustee Lessee must at its sole cost and expense maintain all water sewerage and drainage piping and fittings electrical fittings and any other equipment on the **Trust Land** and provide all necessary plant labour and materials for the maintenance repair and or renewal of all such piping and fittings and other equipment and maintain all equipment and fittings in good working order.

3.3. The Trustee Lessee will at its sole cost and expense make good any damage to the structures or other improvements on the **Trust Land** as soon as practicable.

3.4. The Trustee Lessee must ensure the **Trust Land** is in the same condition as it was as at the **starting date** of this **Trustee Lease**, fair wear and tear excepted.

3.5. Improvements to be kept safe

UEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

SCHEDULE

FORM 20 Version 2
Page 2 of [Total]

Title Reference 49006889

Statement about alteration or minor correction to Land Registry Form

Form being altered or corrected: Form 20 Enlarged Panel

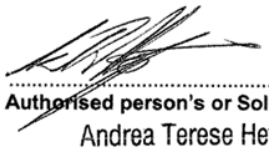
Name of authorised person or solicitor: Andrea Terese Hetherington

Name of authorised person's firm or employer (legal practice, commercial lender or settlement agency): McInnes Wilson Lawyers

Item/s being altered or corrected: Form 20 Enlarged Panel

Details of alteration or minor correction: Deletion of original Form 20 Enlarged Panel and insertion of replacement Form 20 Enlarged Panel correctly executed

Party represented (where signed by solicitor): Lessor



.....
Authorised person's or Solicitor's Signature
Andrea Terese Hetherington
Solicitor

93483:7849967_1

GPO Box 3111 Brisbane Queensland 4001 Australia
Telephone 13 QGOV (13 74 68)
Website www.qld.gov.au/fairtrading
Associations and Charities facsimile +617 3405 0731
ABN 13 846 673 994

Queensland Government

Office of **Fair Trading**

Department of
Justice and Attorney-General

QUEENSLAND

Associations Incorporation Act 1981
Section 19

Incorporation Number: **IA02278**

Certified Copy of the Certificate of Incorporation of an Association

This is to certify that

BENDEMERE PONY CLUB INC.

was, on and from the ninth day of January 1987
incorporated under the Associations Incorporation Act 1981.

Dated this twenty–seventh day of February 2017

Delegate of Director–General

JUSTICE OF THE PEACE (QUALIFIED) Reg.No.: 121037 DEPT. OF JUSTICE & ATTORNEY-GENERAL

LEAH ANN TRIBE.
L.A. Tribe. (JP Qual).

This is to certify that this is a true copy of the ~~original~~/ copy /~~download~~ which I have sighted.

Date 3-4-17

Signed .....

Name Kimberley Maree Mayne

JUSTICE OF THE PEACE (QUALIFIED) Reg. No. 109857 DEPT. OF JUSTICE & ATTORNEY GENERAL

INTERNAL CURRENT RESERVE SEARCH
QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 22/07/2024 11:57 Title Reference: 49006889
Date GAZETTED: 29/06/1889
PAGE: 645

Opening Ref: SG 89-15807
Purpose: RECREATION
Sub-Purpose:
Local Name: YULEBA RACECOURSE
Address: YULEBA
County (R) No: R13
File Ref: RES 89-224

TRUSTEES

MARANOA REGIONAL COUNCIL Gazetted on 26/09/2003 Page 244

LAND DESCRIPTION

LOT 47 CROWN PLAN WV1371 GAZETTED ON 05/07/1969 PAGE 1192
Local Government: MARANOA

Area: 63.182000 Ha. (SURVEYED)

EASEMENTS AND ENCUMBRANCES

1. TRUSTEE LEASE No 717948626 06/04/2017 at 15:18
BENDEMERE PONY CLUB INC
OF THE WHOLE OF THE LAND
TERM: 01/07/2016 TO 30/06/2026 OPTION NIL
Lodged at 15:18 on 06/04/2017 Recorded at 09:10 on 13/06/2017

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

COPYRIGHT QUEENSLAND TITLES REGISTRY PTY LTD [2024]

OFFICER REPORT

Meeting: Ordinary 9 April 2026 **Date:** 25 February 2026

Item Number: 11.5 **File Number:** D26/18145

SUBJECT HEADING: Cafe on Second - Option to Renew Lease

Classification: Open Access

Officer's Title: Property & Tenure Officer

Executive Summary:
Council has received formal notice from the Lessee of Café on Second, Injune, advising of their intention to exercise the final option to renew the lease for a further one (1) year term, in accordance with the existing lease arrangements.

Officer's Recommendation:
That Council:

1. Approve the extension of the Injune Commercial Space Lease Agreement with Womblebank Sawmilling Co Pty Ltd, as Trustee for the Trent and Nicki Family Trust, for a further one (1) year term until 2 July 2027.

2. Authorise the Chief Executive Officer (or delegate), to execute documentation relating to the renewal of the Lease.

Context (*Why is the matter coming before Council?):*

Council has received notification from the Lessee of Café on Second that they wish to exercise their option, under the lease and extend for a further one (1) year.

Council is asked to consider this request.

Background *(Including any previous Council decisions):*

On 3 July 2021, Council entered into a Lease with Womblebank Sawmilling Co Pty Ltd as trustee for Trent and Nicki Family Trust, for the operation of Café on Second situated in a Council owned facility located on Lot 1 on SP166537.

Council considered this request at the Ordinary Meeting held on 23 June 2021, and resolved as follows:

Resolution No. OM/06.2021/65

That:

1. **Council accept the notice provided by Hornick's Timber & Haulage Pty Ltd as trustee for The Trent Hornick Family Trust that it is not able to proceed with the proposed lease of the commercial space at 32 Hutton Street, Injune ("Premises").**

2. **On the basis that a lease of the Premises has previously been offered by tender and no lease has been entered into, Council resolves to apply the exception available pursuant to section 236(1)(e) of the *Local Government Regulation 2012* (Qld) to offer a lease of the Premises to Womblebank Sawmilling Co Pty Ltd as trustee for the Trent & Nicki Family Trust for a market rent and on terms and conditions no less favourable to Council as the terms previously offered to or by Hornick's Timber & Haulage Pty Ltd as trustee for The Trent Hornick Family Trust.**

3. **Council delegate authority to the Chief Executive Officer (or delegate) to finalise and execute a lease of the Premises to Womblebank Sawmilling Co Pty Ltd as trustee for the Trent & Nicki Family Trust:**
    - **for an initial term of one (1) year with options to renew for a further five (5) terms of one (1) year;**
    - **for a rent not less than the current market value; and**
    - **on acceptable terms and conditions provided always that those terms and conditions must be no less favourable to Council as the terms previously offered to the previous proposed tenant.**

The current Lease has a 5 x 1 year option to renew. If all options are exercised, the Lease will expire on 2 July 2027.

Options Considered:

Nil.

Recommendation:

That Council:

1. Approve the extension of the Injune Commercial Space Lease Agreement with Womblebank Sawmilling Co Pty Ltd, as Trustee for the Trent and Nicki Family Trust, for a further one (1) year term until 2 July 2027.

2. Authorise the Chief Executive Officer (or delegate), to execute documentation relating to the renewal of the Lease.

Risks:

Risk	Description of likelihood & consequences
Decline the request for extension	Declining the renewal would result in the lease ending on 2 July 2026. The Lessee would be required to vacate the premises, leading to a disruption in service delivery to the community while Council undertakes a procurement process to secure a new tenant. undertaken.

Policy and Legislative Compliance:

Nil

Budget / Funding ***(Current and future):***

Revenue - $5,720.00 including GST per year.

Timelines / Deadlines*:*

Current Lease Agreement Expires on 2 July 2026

Entered Lease 3 July 2021 – Lease has a 5 x 1-year options. Expiring on 2 July 2027 if all options are exercised but the current Lessee.

Consultation ***(Internal / External):***

External – Lessee Café on Second

External – McInnes Wilson Lawyers (to prepare relevant forms for the renewal of the Lease for a further one year if approved)

Internal – Manager Facility and Property Services

Strategic Asset Management Implications:
(If applicable, outline changes to whole of life costs and / or level of service)

Nil

Acronyms:

Acronym	Description
Nil	Nil

Addition to Operational or Corporate Plan:

Plan Description	Yes / No
Operational	No
Corporate	No

Link to Corporate Plan:
Corporate Plan 2023-2028
Corporate Plan Pillar 3: Connectivity
3.1 Quality, fit-for-purpose strategic facilities

Supporting Documentation:

1⇩ Disclosure Statement - 03/07/2025 to 02/07/2026 D25/49216

Report authorised by:

Coordinator - Property & Tenure Services
Manager - Facility & Property Services
Director - Corporate Services

Department of Employment, Small Business and Training

Retail Shop Leases Act 1994 (Qld) Form 7 version 4

Disclosure statement by the lessor

Lessor:	Maranoa Regional Council
Lessee:	Womblebank Sawmilling Co Pty Ltd ACN 115 976 460 as trustee for the Trent & Nicki Family Trust
Premises:	Part of Lot 1 on SP 166537

Key disclosure items

1.	Annual base rent under the lease (see item 10.1)	$ 5,720.00 p.a. Including/~~Excluding~~ GST
2.	Is a rent based on turnover payable by the lessee in year 1? (see item 12)	☐ Yes ☒ No
3.	Total estimated outgoings and promotion and marketing costs for the lessee in year 1 (see Part 5 and Part 6)	$ 42,000.00 ~~Including~~/ Excluding GST
4.	Term of the lease (see item 5)	1years 0months
5.	Estimated commencement date of the lease (see item 5.1)	03/ 07/2025
6.	Estimated handover date of the premises (see item 7.1)	02/ 07/2026
7.	Does the lessee have an option to renew for a further period? (see item 6)	☒ Yes ☐ No
8.	Does the lease provide the lessee with exclusivity in relation to the permitted use of the premises? (see item 2.2)	☒ Yes ☐ No

PART 1 PREMISES

1 Premises details

1.1	Street address of premises [Insert street address of premises and, as applicable, shop number, name of the building/centre in which the premises is located, street address of the building/centre]	Corner of 2nd Avenue and Hutton Street, Injune QLD 4454
1.2	Plan of premises (if available) [Insert description of premises by reference to a prepared plan. Attach the plan to this disclosure statement as per item 33.1]	Part of Lot 1 on SP 166537 as shown in the plan in Annexure A
1.3	Lettable area of premises Will a survey be conducted?	116.0m² Actual/Estimate ☐ Yes ☒ No

1.4 Existing structures, fixtures, plant and equipment in the premises, provided by the lessor (excluding any works, fit out and refurbishment described in Part 3)

[Select as appropriate]

☒ air conditioning ☒ cool room ☒ floor coverage ☒ grease tap ☒ hot water service ☒ lighting ☒ mechanical exhaust ☐ painted walls	☐ electrical distribution load (3 phase) ☐ electrical distribution load (single phase) ☒ separate utility meter – gas ☒ separate utility meter – water ☒ separate utility meter – electricity ☐ plastered walls	☒ shop front ☒ sink ☐ sprinklers ☐ suspended ceilings ☒ telephone ☒ water supply ☒ waste ☐ other

1.5	Services and facilities provided by the lessor for the benefit of the premises (for example, security services, cleaning)	N/A

SPLES

Queensland Government

2 Permitted use

2.1 Description of permitted use Coffee Shop [Note: The lessee should investigate if the proposed use of the premises is permitted under planning laws.]	
2.2 Is the permitted use described in item 2.1 exclusive to the lessee?	☒ Yes ☐ No

3 Number of car parking spaces

3.1 Approximate total spaces	0 spaces
3.2 Available spaces for customers of the building/centre	0 spaces
3.3 Reserved spaces for use of the lessee only	0 spaces

4 Head lease

4.1 Is the premises under a head lease or Crown lease?	☐ Yes ☒ No
4.2 Has the lessor provided a copy of the head lease or Crown lease to the lessee?	☐ Yes–attached as per item 33.2 ☐ No ☒ Not applicable
4.3 Current term under the head lease or Crown lease and option/s to renew	☒ Not applicable ☐ Details of head lease as follows: Current term: years / /20 to / /20 Options to renew years / /20 to / /20
[list any options for further terms held by the lessor under the head lease]:	
4.4 Is the head lessor's consent to the lease required?	☐ Yes ☐ No

PART 2 TERM OF LEASE AND OPTION/S TO RENEW LEASE

5 Term of lease

5.1 Date lease commences (see also date of handover at item 7)	03/07 /2025	Actual/~~Estimate~~
5.2 Length of term	1 years 0	months
5.3 Date lease expires (based on the date indicated at item 5.1 as the date the lease commences)	02/07 /2026	

6 Option/s to renew lease

6.1 Option/s details	☐ No options to renew lease	☒ Options as follows:
Length of option	Period of option	Exercise date
1 years Actual/~~Estimate~~	03/07/2026 to 02/07/2027	02/01/2026 to 02/04/2026
Actual/Estimate		to
[List all options to renew lease]		

PART 3 WORKS, FIT OUT AND REFURBISHMENT

7 Date of handover

7.1	Date of handover (if different to the date the lease commences indicated at item 5.1)	/ / Actual/Estimate

8 Lessor's works

8.1	Description of works to be carried out by the lessor before the date the lease commences [Exclude any works that form part of the lessee's fit out at item 9]	N/A
8.2	Estimate of expected contribution by the lessee towards the cost of the lessor's work [See also outgoings (item 14) in relation to any maintenance and repair outgoings]	$

9 Lessee's fit out works

9.1	Fit out works to be carried out by the lessee (excluding the lessor's works at item 8)	
9.2	Is the lessor providing any contribution towards the cost of the lessee's fit out?	☐ Yes [Insert details of lessor's contribution] ☒ No
9.3	Does the lessor have requirements as to the quality and standard of shop front and fit out?	☐ Yes [Insert details or provide fit out guide] ☒ No

PART 4 RENT

10 Annual base rent

10.1	Starting annual base rent (i.e. when the lease commences)	$5,720.00 Including/~~Excluding~~ GST
10.2	Rent free period [Describe any rent free period]	N/A
10.3	Date of rent commencement	03/ 07/ 2025
10.4	How rent payments are to be made? [Insert description of how rent is paid — e.g. by equal monthly instalments in advance on the first day of each month, other than the first and last payments which are calculated on a pro-rata basis]	Monthly instalments in advance on the first day of each month.

11 Rent adjustment (rent review)

11.1	Rent adjustment date(s) and adjustment method [Insert a list of all rent adjustment dates and adjustment methods — e.g. fixed increase by X%, fixed increase by $X, current market rent, indexed to CPI]	Market Rent Review on the commencement of each Further Term. Index Review - the anniversary of the commencement date for each year of the Term and Further Term where a Market Rent Review does not occur.

12 Rent based on turnover

12.1	Is a rent based on turnover payable by the lessee? (Note: The lease must specify the method by which a rent based on turnover is to be determined.)	☐ Yes ☒ No [Insert method of calculating the turnover rent]
12.2	If a rent based on turnover is not required to be paid, does the lessor require the lessee to provide details of turnover?	☐ Yes ☒ No

PART 5 OUTGOINGS

13 Contribution by lessee towards lessor's outgoings

13.1 Is the lessee required to pay or contribute towards the lessor's outgoings?		☒Yes ☐No
13.2 Describe any period during which the lessee is not required to pay outgoings	N/A	
13.3 Date on which payment of outgoings is to commence:		/20
13.4 Formula for apportioning outgoings [insert formula on how outgoings payable by lessee are to be apportioned]	Tenant responsible for 100% of outgoings.	

14 Outgoings estimates (annual) for the 12 month period

Outgoings estimates	03/07/2025 to 02/07/2026	
[State which of the following are payable by the lessee. The lessor may be prevented by the Retail Shop Leases Act 1994 from claiming certain costs.] Estimate (including GST) per annum for the building/centre		
14.1 Administration		
• Administration costs (excluding management fees and wages): $	• Audit fees: $3,000	• Management fees: $
14.2 Air conditioning/temperature control		
• air conditioning maintenance: $	• air conditioning operating costs: $	
14.3 Building/centre management		
• Body corporate/strata levies: $ • Building intelligence services: $ • Customer traffic flow services: $	• Energy management services: $ • Gardening and landscaping: $ • Insurance: $70,000	• Pest control: $ • Ventilation: $
14.4 Building/centre security		
• Caretaking: $ • Emergency systems: $	• Fire levy: $ • Fire protection: $	• Security services: $
14.5 Cleaning		
• Cleaning consumables: $3,000	• Cleaning costs (excluding consumables) $	
14.6 Communications		
• Post boxes: $	• Public telephones: $	
14.7 Customer facilities		
• Car parking: $ • Child minding: $	• Escalators: $ • Lifts: $	• Uniforms: $
14.8 Customer information services		
• Information directories: $	• Public address/music: $	• Signage: $
14.9 Government rates and charges (Note: Under section 7 of the Retail Shop Leases Act 1994, lessor's outgoings do not include land tax payable on the land on which the centre or building is situated.)		
• Local government rates and charges: $	• Water, sewerage and drainage rates and charges: $	
14.10 Repairs (Note: Under section 7 of the Retail Shop Leases Act 1994, lessor's outgoings do not include expenditure of a capital nature, including the amortisation of capital costs.)		
• Repairs and maintenance: $	• Sinking fund for repairs and maintenance: $	

SPLS5745

14.11 Utility services		
• Electricity: $20,000 • Gas: $9,000	• Oil: $	• Water:$
14.12 Waste management		
• Sewerage disposal: $	• Waste collection and disposal: $	
14.13 List any other outgoings		
$	$	$
14.14 Total outgoings for the building/ centre:	$	
14.15 Formula for determining lessee's share of the total outgoings for the building/centre:		
14.16 Estimated lessee contribution to outgoings:	$	

PART 6 OTHER COSTS

15 Advertising and promotional costs

15.1 Is the lessee required to contribute towards advertising and promotional costs (including marketing fund contributions) for the building/centre?	☐ Yes ☒ No
15.2 Lessee's contribution to advertising and promotional costs per annum	
☒ Not applicable ☐ Yes—contribution per annum is $ Actual/Estimate ☐ Yes—contribution per annum is % of the rent (excluding GST) payable from time to time ☐ Yes –[Insert details of lessee's contribution per annum and how this is determined]	

16 Other monetary obligations and charges

16.1 Outline any costs arising under the lease including up-front costs or other costs not part of the outgoings and not referred to elsewhere in this disclosure statement: [e.g. interest, legal costs and any costs payable under section 48(2) of the Retail Shop Leases Act 1994.]	N/A

PART 7 ALTERATION WORKS (INCLUDING RENOVATIONS, EXTENSIONS, REDEVELOPMENT, DEMOLITION)

17 Alteration works

17.1 Are there any alteration works, planned or known to the lessor at this point in time, to the premises or building/centre, including surrounding roads, during the term or any further term or terms?	☐ Yes [Insert details of the proposed works] ☒ No

18 Clauses in lease dealing with relocation and demolition works

18.1 Clause(s) in lease providing for relocation of lessee	☐ Clause(s) of the lease ☒ Not applicable
18.2 Clause(s) in lease providing for demolition of the premises or building/centre	☐ Clause(s) of the lease ☒ Not applicable

PART 8 TRADING HOURS

19 Core trading hours relevant to the lessee

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Public holidays
6:30 am To 3:30 pm	6:30 am To 3:30 pm	6:30 am To 3:30 pm	6:30 am To 3:30 pm	6:30 am To 3:30 pm	8:00 am To 1:00 pm	N/A am To N/A pm	N/A am To N/A pm

20 Lessee access to premises outside core trading hours

20.1 Is the lessee permitted to access the premises and building/centre outside core trading hours?	☒ Yes [Provide details including cost of access] ☐ No

PART 9 RETAIL SHOPPING CENTRE DETAILS

[Note: This Part must only be completed if the premises are in a retail shopping centre as defined in section 8 of the Retail Shop Leases Act 1994]

21 Retail shopping centre details

21.1 Total number of shops	shops
21.2 Gross lettable area of the centre	m^2 Actual/Estimate

22 Annual turnover of the shopping centre

22.1 Annual estimated turnover (where collected)	$ per m^2 ☐ Inc GST/ ☐ Ex GST	$ ☐ Inc GST/ ☐ Ex GST

22.2 Annual estimated turnover by specialty shops per m2 (where collected)

Food	Non-food	Services
$ per m^2 ☐ Inc GST/ ☐ Ex GST	$ per m^2 ☐ Inc GST/ ☐ Ex GST	$ per m^2 ☐ Inc GST/ ☐ Ex GST

23 Major/anchor tenants

23.1 Major/anchor tenants and lease expiry dates [List all major and anchor tenants (e.g. department stores, discount department stores, supermarkets) and the dates on which leases held by those tenants expire]	

24 Floor plan and tenancy mix

24.1 Floor plan showing tenancy mix, common areas, common area trading, kiosks and major tenants	☐ Attached as per item 34.1
24.2 Does the lessor assure the lessee that the current tenant mix will not be altered by the introduction of a competitor?	☐ Yes ☐ No

25 Customer traffic flow information

25.1 Does the lessor collect customer traffic flow information?	☐ Yes—attached as per item 34.2 ☒ No

26 Casual mall licensing for common areas

26.1 Do you adhere to the Shopping Centre Council of Australia's Casual Mall Licensing Code of Practice?	☐ Yes—casual mall licensing policy attached as per item 34.3 ☐ No

SPLISS745

PART 10 OTHER DISCLOSURES

27 Other disclosures

27.1 Are there any current legal proceedings in relation to the lawful use of the premises or building/centre?	☐ Yes [provide details] ☒ No

28 Representations by lessor

28.1 Any other representations by the lessor or the lessor's agent
[lessor to insert details of any other oral or written representations made by the lessor or the lessor's agent]

N/A

PART 11 LESSOR ACKNOWLEDGEMENTS AND SIGNATURE

29 Acknowledgements by lessor

By signing this disclosure statement, the lessor confirms and acknowledges that:

- this disclosure statement contains all representations in relation to the proposed lease by the lessor and the lessor's agents as at the date of this disclosure statement;
- this disclosure statement reflects all agreements that have been made by the parties;
- the lessor has not knowingly withheld information which is likely to have an impact on the lessee's proposed business.

Warnings to lessor when completing this disclosure statement:

- The lessee may have remedies including termination of lease if the information in this statement is misleading, false or materially incomplete.

30 Lessor's signature

30.1 Name of lessor [insert name of lessor]	MARANOA REGIONAL ~~COUNCIL~~	
30.2 Signed by the lessor or the lessor's agent for and on behalf of the lessor		
30.3 Name of the lessor's authorised representative or lessor's agent [insert name of person signing with the authority of the lessor]		Chief Executive Officer
30.4 Date	18 /06 /2025	

PART 12 LESSEE ACKNOWLEDGEMENTS AND SIGNATURE

31 Acknowledgements by the lessee

By signing this disclosure statement, the lessee confirms and acknowledges that the lessee received this disclosure statement.

Before entering into a lease, lessees should consider these key questions:

- Does the planning authority allow your proposed use for the premises under planning law?
- Is the security of your occupancy affected by:
  - mortgages, charges or encumbrances granted by the lessor?
  - rights and obligations under a head lease
- Do the premises comply with building and safety regulations? Are the premises affected by outstanding notices by any authority?
- Could your trading be affected by disturbances or changes to the building/centre?
- Does the lessor require you to refurbish the premises regularly or at the end of the lease?
- Can the lessor end the lease early even if you comply with the lease?
- Are all the existing structures, fixtures and plant and equipment in good working order?
- Are you required to make good the premises at the end of the lease?
- Is the tenancy mix of the shopping centre (if applicable) likely to change during the term of the lease? (see item 24.2)

32 Lessee's signature

It is important that a lessee seek independent legal and financial advice before entering into a lease.

32.1 Name of lessee [insert name of lessee]	Womblebank Sawmilling Co Pty Ltd ACN 115 976 460 as trustee for the Trent & Nicki Family Trust
32.2 Signed by the lessee or for and on behalf of the lessee	
32.3 Name of the lessee's authorised representative [insert name of person signing with the authority of the lessee]	
32.4 Date	12 / 06 /2025

PART 13 ATTACHMENTS

33 List of attachments

33.1 Plan of premises (see item 1.2)	☒ Yes ☐ Not applicable
33.2 Head lease or Crown lease (see item 4.2)	☐ Yes ☒ Not applicable
33.3 Additional attachments [list of any additional attachments]	Lease

34 List of attachments—retail shopping centre

[This item must be completed only if the premises are in a retail shopping centre as defined in section 8 of the Retail Shop Leases Act 1994.]

34.1 Floor plan (see item 24.1)	☐ Yes ☐ Not applicable
34.2 Customer traffic flow statistics (see item 25.1)	☐ Yes ☐ Not applicable
34.3 Casual mall licensing policy (see item 26.1)	☐ Yes ☐ Not applicable
34.4 Additional attachments relating to the retail shopping centre [list of any additional attachments]	

SPLS5745

© State of Queensland (Department of Employment, Small Business and Training) 2022