



Local Government bulletin

15 October 2009 – Ref: 18/09

New Model Local Laws

Local Government and Planning Group

The Department of Infrastructure and Planning (the Department) has completed a comprehensive review of its existing 21 model local laws to ensure their currency, alignment with community aspirations and their capacity to reduce the regulatory burden on business.

Model local laws provide best practice instruments to increase uniformity in local laws across the State and provide a simplified mechanism for Queensland Local Governments to adopt local laws appropriate to their needs.

The existing model local laws were drafted between 2000 and 2004 and many had become outdated. Following extensive consultation with Local Governments and State agencies an entire new suite of seven model local laws have been developed and were notified by gazette notice on 2 October 2009.

The new models have been drafted to be consistent with, and are reliant on, provisions of the *Local Government Act 2009* (LGA 2009) and may therefore be adopted on commencement of the LGA 2009. The repeal of the 21 former model local laws will take effect on commencement of the LGA 2009.

Releasing the new models prior to the commencement of the LGA 2009 provides Local Governments with more time and opportunity to review the new models, consider their suitability and develop the content of subordinate local laws to complement any model local laws intended for adoption.

Adoption of the model local laws will be subject to the requirements of section 38 (Anti-competitive provisions) of the LGA 2009.

Review Outcomes

The final seven model local laws provide a package of model local laws that are current, consistent with State legislation and flexible for accommodating future regulatory requirements of Local Governments.

The seven new model local laws are:

- Model local law No. 1 (Administration) 2009
- Model local law No. 2 (Animal Management) 2009
- Model Local Law No. 3 (Community and Environmental Management) 2009
- Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2009
- Model Local Law No. 5 (Parking) 2009
- Model Local Law No. 6 (Bathing Reserves) 2009
- Model Local Law no. 7 (Indigenous Community Land Management) 2009



Key features of the new model local law package include:

- reduction in number of model local laws from 21 to 7 (see Table 1);
- maximum flexibility for Local Governments built into the structure of the model local laws
- more generalised and principle based model local laws;
- matters not considered necessary to be regulated by local laws removed;
- matters now covered by State legislation removed;
- duplication of provisions removed - for example:
 - one law for all licensable activities
 - one set of authorised officer provisions

The new models are based on a number of overarching principles, including a requirement that a model is consistent with State legislation, is necessary and enforceable and is consistent with the overall policy intent of both State government and Local Government.

The new model local law package offers several benefits for Local Governments, including streamlined administrative processes, consistent administrative decisions and reduced costs and time associated with local law development and amendment. Model Local Law No. 1 (Administration) 2009 provides the base upon which the other models rely for approval processes and enforcement provisions. This approach ensures the models are streamlined but very flexible, enabling Local Governments to make local laws on new issues in the future without having to repeat relevant approval and enforcement provisions. It also means Local Governments must adopt Model Local Law No. 1 (Administration) 2009 to enable any of the other models it chooses to adopt to take effect. As Model Local Law No. 1 applies to all other local laws made by a Local Government. Therefore if any existing local laws are retained after adoption of the models they will need to be amended to explicitly exclude the application of Model Local Law No.1 from them.

Each of the seven new model local laws are being released with template subordinate local laws and guidance notes to help deliver a more effective regulatory environment. Subordinate local laws are essential to the successful implementation of the model local laws. The subordinate templates are not part of the model local laws but are simply supporting material offering an example of how subordinate local laws may be constructed to complement the model local laws. The templates provide a subordinate local law structure that is consistent with the heads of power provided in the model local law. They also offer suggestions and examples to consider when determining the detailed specifications or particular content of a subordinate local law. The subordinate templates do not provide an exhaustive list of matters for inclusion however, and Local Governments may choose to design different subordinate local law formats.

Guidance notes for each model will provide an additional aid to assist Local Governments plan and develop local laws and subordinate local laws for their local government area. The notes will identify how linkages between the different model local laws form an integrated regulatory regime and how the models link with other relevant legislation affecting the model including the LGA 2009.

The new model local laws and relevant resources can be viewed on the Model Local Laws page of the Department's website at: <http://www.dip.qld.gov.au/local-government/current-model-local-laws.html>.

Background to the Model Local Laws Review

The model local laws were developed following two principal stages of consultation with Local Governments, members of the public and other key stakeholders in 2007/2008. Stage one involved the roll out of a number of forums across the State and provided a valuable opportunity for early discussions with key stakeholders. Feedback received from this stage of consultation informed the development of six new draft model local laws.



A second phase of consultation was undertaken in 2008, five further forums were held to elicit views on the proposed new models. A seventh draft Model Local Law on Indigenous Community Land Management was prepared in response to feedback from the second Discussion Paper released in August 2007. The draft model aimed to meet the specific needs of Indigenous councils, applying to Indigenous councils subject to Part 6 of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

Feedback received from the consultation on the proposed new models, which have also been subjected to a State interest check, informed a number of revisions to the models. Throughout the Model Local Law Review process a Steering Committee comprising representatives of local government stakeholders provided oversight of the review and valuable input on the development of the new models.

Further information on the background to the Model Local Law Review and details on the outcomes from consultation can be obtained from <http://www.dip.qld.gov.au/local-government/current-model-local-laws.html>.

Further information

Any further enquiries on this matter should be directed to the Model Local Law Review Project Team on email lgenquiries@dip.qld.gov.au or telephone 07 3222 2384 or 07 3235 4068.

All recent Local Government bulletins issued by the department are available online at: <http://www.dip.qld.gov.au/newsletters/local-government-bulletins.html>

You can also subscribe free of charge on the department's website to receive bulletins by email.



Table 1 – Relationship between former models and new model local laws

New Model Local Law	Incorporated Old Model Local Law
No. 1 (Administration) 2009	No.1 (Administration) 2004 No.6 (Parks and Reserves) 2000 No.11 (Camping Grounds) 2000 No.12 (Caravan Parks) 2000 No.13 (Cemeteries) 2000 No.14 (Commercial Use of Roads) 2000 No.16 (Rental Accommodation with Shared Facilities) 2004 No.17 (Swimming Pools) 2000 No.18 (Temporary Entertainment Venues) 2000 No.19 (Temporary Homes) 2000 No.20 (Tramways) 2000
No. 2 (Animal Management) 2009	No.4 (Keeping and Control of Animals) 2000 No.5 (Impounding of Animals) 2000
No. 3 (Community and Environment Management) 2009	No.8 (Control of Pests) 2004 No.9 (Overgrown and Unightly Allotments) 2000
No. 4 (Local Government Controlled Areas, Facilities and Roads) 2009	No.6 (Parks and Reserves) 2000 No.11 (Camping Grounds) 2000 No.12 (Caravan Parks) 2000 No.13 (Cemeteries) 2000 No.17 (Swimming Pools) 2000 No.21 (Roads) 2000
No. 5 (Parking) 2009	-----
No. 6 (Bathing Reserves) 2009	No.7 (Bathing Reserves) 2000
No. 7 Indigenous Community Land Management	By-law No.6 (Land and Natural Resource Management) 2001
Considered local law not required	No 2 Meetings 2008.
Redundant as now covered by State legislation	No. 10 (Blasting operations) 2000 No. 15 (Domestic Water Carriers) 2000