



<b>POLICY TITLE:</b>	Local Law-Making Guidelines
<b>POLICY NUMBER:</b>	S018
<b>COUNCIL ADOPTION DATE</b>	16 August 2022
<b>LINK TO WIK KATH MIN VALUES:</b>	Values 1-6
<b>LINK TO CORPORATE PLAN:</b>	Our Council: Key Governance Goal 1, 2 and 3
<b>REVIEW DATE:</b>	August 2023
<b>POLICY OWNER:</b>	Chief Executive Officer

<b><u>Process for Local Law Making</u></b>		
Estimated deadlines and relevant documentation entailed. Whilst preparing and discussing, extensions may also be requested for quality assurance.		<b>Estimated Timeframe</b>
Step 1	By resolution, propose to make the proposed local law.	1 month  Committee and Council
Step 2	Consult with relevant government entities about the overall State interest in the proposed local law.	State requires 3 – 4 weeks to consider law/s
Step 2a	If the State requires further major amendments, a further Council resolution may be required to proceed with making the proposed local law with those further amendments before public consultation.	1 month  (Only if applicable)
Step 3	Consult with the public about the proposed local law for at least 21 days (the consultation period) which includes: <ul style="list-style-type: none"> <li>a) publishing an advertisement about the proposed local law at least once in a newspaper circulating generally in the local government's area; and</li> <li>b) publishing a notice (a consultation notice) about the proposed local law on the Aurukun Shire Councils Website and Community Noticeboards for the duration of the consultation period; and</li> <li>c) displaying the consultation notice in a conspicuous place at the local government's public office for the duration of the consultation period; and</li> <li>d) making a copy of the proposed local law available for download on the Aurukun Shire Councils public website during the consultation period; and</li> <li>e) making a copy of the proposed local law available for inspection at the Council's Customer Service Centres during the consultation period; and</li> </ul>	4 weeks  Including preparation of docs & inc. at least 21 days for consultation



	<p>f) making copies of the proposed local law available free of charge at Council's Customer Service Centres during the consultation period.</p> <p>The consultation notice must state the following:</p> <ul style="list-style-type: none"> <li>a) the name of the proposed local law; and</li> <li>b) the purpose and general effect of the proposed local law; and</li> <li>c) the length of the consultation period and the first and last days of the period; and</li> <li>d) that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating: <ul style="list-style-type: none"> <li>i) the grounds of the submission; and</li> <li>ii) the facts and circumstances relied on in support of the grounds.</li> </ul> </li> </ul> <p>If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, the local government may proceed to step 6 without satisfying step 3 or step 5.</p>	
Step 4	<p>If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, steps 2, 3, and this step 4, may be undertaken contemporaneously</p>	
Step 5	<p>Accept and consider every submission properly made to the local government.</p> <p>A submission is properly made to the local government if it:</p> <ul style="list-style-type: none"> <li>a) is the written submission of any person about the proposed local law, including submissions using: <ul style="list-style-type: none"> <li>(i) the Council's online submission form;</li> <li>(ii) downloading and completing a submission form;</li> <li>(iii) an email; or</li> <li>(iv) any other form of written submission complying with subsection (b) below; and</li> </ul> </li> <li>b) states: <ul style="list-style-type: none"> <li>(i) the grounds of the submission; and</li> <li>(ii) the facts and circumstances relied on in support of the grounds; and</li> </ul> </li> </ul>	<p>1 week to collate submissions received &amp; consider</p>



	c) is given to the local government on or before the last day of the consultation period (note: an extension of time may be granted upon request).	
Step 6	<p>By resolution,</p> <p>a) decide whether to:</p> <ul style="list-style-type: none"> <li>i) make the proposed local law as advertised; or</li> <li>ii) make the proposed local law with amendments; or</li> <li>iii) proceed with the making of the proposed local law with amendments by repeating steps 2 to 5 and this step 6; or</li> <li>iv) not proceed with the making of the proposed local law; and</li> </ul> <p>b) decide whether to adopt a 'consolidated version' of the local law incorporating all amendments decided under subsection (a) above.</p> <p>For the avoidance of doubt, if an amendment creates new anti-competitive provisions that did not undergo a review, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the new anti-competitive provision</p>	<p>4 weeks</p> <p>Committee &amp; Council (Includes preparation of agenda &amp; attachments)</p>
Step 7	Let the public know that the local law has been made, by publishing a notice of the making of the local law in the gazette and on Council's website in accordance with the requirements of s 29B (1) to (4) inclusive of the <i>Local Government Act 2009</i> .	<p>1 – 2 weeks</p> <p>Gazettes are published on Fridays</p>
Step 8	As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office and is available on the Councils website to view and download for free.	2 weeks
Step 9	<p>Within 14 days after the notice is published in the gazette, give the Minister:</p> <ul style="list-style-type: none"> <li>a) a copy of the notice; and</li> <li>b) a copy of the local law in electronic form.</li> </ul>	up to 2 weeks as per <i>Local Government Act 2009</i>
Step 10	<p>Update the local government's register of its local laws.</p> <p>Process concluded.</p>	Same time as Gazette Notice
	<b>Approximate Timeframe</b>	Approximately 4 or 6 months



### **Process for Subordinate Local Law Making**

Estimated deadlines and relevant documentation entailed. Completion of process is considering date of action discussed in Committee Meetings and/or Council meetings.		<b>Estimated Timeframes</b>
Step 1	By resolution, propose to make the proposed subordinate local law.	1 month  Committee and Council
Step 2	<p>Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) which includes:</p> <ul style="list-style-type: none"> <li>a) publishing an advertisement about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and</li> <li>b) publishing a notice (a consultation notice) about the proposed subordinate local law on the Aurukun Shire Councils Website and Community Noticeboards for the duration of the consultation period; and</li> <li>c) displaying the consultation notice in a conspicuous place at the local government's public office for the duration of the consultation period; and</li> <li>d) making a copy of the proposed subordinate local law available for download on the Aurukun Shire Councils public website during the consultation period; and</li> <li>e) making a copy of the proposed subordinate local law available for inspection at the Council's Customer Service Centres during the consultation period; and</li> <li>f) making copies of the proposed subordinate local law available free of charge at Council's Customer Service Centres during the consultation period.</li> </ul> <p>The consultation notice must state the following:</p> <ul style="list-style-type: none"> <li>a) the name of the proposed subordinate local law; and</li> <li>b) the name of: <ul style="list-style-type: none"> <li>(i) the local law allowing the proposed subordinate local law to be made; or</li> <li>(ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished — the proposed authorising law; and</li> </ul> </li> </ul>	4 weeks  Including preparation of docs & inc. at least 21 days for consultation



	<ul style="list-style-type: none"> <li>c) the purpose and general effect of the proposed local law; and</li> <li>d) the length of the consultation period and the first and last days of the period; and</li> <li>e) that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating: <ul style="list-style-type: none"> <li>i) the grounds of the submission; and</li> <li>ii) the facts and circumstances relied on in support of the grounds.</li> </ul> </li> </ul> <p>If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 5 without satisfying any of step 2 to step 4 inclusive.</p>	
Step 3	If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.	
Step 4	<p>Accept and consider every submission properly made to the local government.</p> <p>A submission is properly made to the local government if it:</p> <ul style="list-style-type: none"> <li>a) is the written submission of any person about the proposed subordinate local law, including submissions using: <ul style="list-style-type: none"> <li>i) the Aurukun Shire Councils submission form;</li> <li>ii) downloading and completing a submission form;</li> <li>iii) an email; or</li> <li>iv) any other form of written submission complying with subsection (b) below; and</li> </ul> </li> <li>b) states: <ul style="list-style-type: none"> <li>(i) the grounds of the submission; and</li> <li>(ii) the facts and circumstances relied on in support of the grounds; and</li> </ul> </li> <li>c) is given to the local government on or before the last day of the consultation period.</li> </ul>	<p>1 week</p> <p>Collate submissions received &amp; consider</p>
Step 5	By resolution,	4 weeks



	<p>a) decide whether to:</p> <ul style="list-style-type: none"> <li>(i) make the proposed subordinate local law as advertised; or</li> <li>(ii) make the proposed subordinate local law with amendments; or</li> <li>(iii) proceed with the making of the proposed subordinate local law with amendments by repeating steps 2 to 4 and this step 5; or</li> <li>(iv) not proceed with the making of the proposed subordinate local law; and</li> </ul> <p>b) decide whether to adopt a 'consolidated version' of the subordinate local law incorporating all amendments decided under subsection (a) above.</p> <p>For the avoidance of doubt, if an amendment creates new anti-competitive provisions that did not undergo a review, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the new anti-competitive provision.</p>	Committee & Council (Includes preparation of agenda & attachments)
Step 6	Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in the gazette and on Council's website in accordance with the requirements of s 29B (1) to (4) inclusive of the <i>Local Government Act 2009</i> .	1-2 week  Gazettes published on Fridays
Step 7	As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office and is available on the Aurukun Shire Councils website to view and download for free.	2 weeks
Step 8	<p>Within 14 days after the notice is published in the gazette, give the Minister:</p> <ul style="list-style-type: none"> <li>a) a copy of the notice; and</li> <li>b) a copy of the subordinate local law in electronic form.</li> </ul>	up to 2 weeks as per <i>Local Government Act 2009</i>
Step 9	Update the local government's register of its local laws.	Same time as Gazette Notice
	<b>Approximate Timeframe</b>	Approximately 4 or 5 months



### **Process for Interim Local Law Making**

Estimated deadlines and relevant documentation entailed. Whilst preparing and discussing, extensions may also be requested for quality assurance.		<b>Estimated Timeframes</b>
Step 1	By resolution, propose to make the proposed interim local law.	1 month  Committee & Council
Step 2	Consult with relevant government entities about the overall State interest in the proposed interim local law.	State requires 3 – 4 weeks to consider law/s
Step 3	By resolution, decide whether to: (a) make the proposed interim local law as provided to the State; or (b) make the proposed interim local law with amendments; or (c) not proceed with the making of the proposed interim local law; and Note: the proposed interim local law must include an expiry date of 6 months or less after the commencement day.	4 weeks  Committee & Council (Includes preparation of agenda & attachments)
Step 4	Let the public know that the interim local law has been made, by publishing a notice of the making of the interim local law in the gazette and on Council's website in accordance with the requirements of s 29B (1) to (4) inclusive of the <i>Local Government Act 2009</i> .	1 – 2 weeks Gazettes published on Fridays
Step 5	As soon as practicable after the notice is published in the gazette, ensure that a copy of the interim local law may be inspected and purchased at the local government's public office and is available on the City's website to view and download for free.	up to 2 weeks
Step 6	Within 14 days after the notice is published in the gazette, give the Minister: a) a copy of the notice; and b) a copy of the interim local law in electronic form.	up to 2 weeks as per <i>Local Government Act 2009</i>
Step 7	Update the local government's register of its local laws.	Same time as Gazette Notice
Step 8	Commence making the interim local law into a local law	
<b>Approximate Timeframe</b>		4 months

Note: In accordance with Section 38(3) of the *Local Government Act 2009*, a local government does not need to comply with procedures prescribed for anti-competitive provisions.