

1. Heads of Power

Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Human Rights Act 2019 (Qld)
Competition and Consumer Act 2010 (Cth)

2. Purpose

The purpose of this policy is to establish a framework for the making, review, and amendment of local laws in compliance with the Local Government Act 2009 (Qld) and Local Government Regulation 2012 (Qld). This policy ensures that local laws are developed transparently, equitably, and in a manner that meets the needs of the Aurukun Shire community.

3. Intent

This policy ensures that the local law-making process:

- Aligns with the Local Government Act 2009 (Qld) and relevant regulations.
- Promotes transparency and community consultation.
- Considers the impact of local laws on residents, businesses, and stakeholders.
- Is consistent with state and national legislative frameworks.

4. Scope

This policy applies to all new local laws, amendments to existing laws, and repeals of laws made by Aurukun Shire Council (**Council**). It covers Council employees, Councillors, and other stakeholders involved in the local law-making process.

5. Policy Statement

5.1. Legislative Compliance

All local laws must be made in accordance with:

- Chapter 3, Part 1 of the *Local Government Act 2009 (Qld)*
- Chapter 3, Part 2 of the *Local Government Regulation 2012 (Qld)*
- Other relevant Queensland Government legislative and policy frameworks.

5.2. Local Law Making Process

The process for making local laws shall include:

- 5.2.1. Proposal and Justification: Council identifies the need for a new local law or amendment.
- 5.2.2. Drafting and Legal Review: Council drafts the local law, ensuring compliance with legal frameworks.
- 5.2.3. State Interest Check: Council submits the proposed local law to the Queensland Government for a state interest review.
- 5.2.4. Community Consultation: The proposed local law is made available for public comment for at least 21 days.
- 5.2.5. Final Review and Adoption: Council reviews feedback and finalises the law before adoption.

- 5.2.6. Gazettal and Implementation: Once adopted, the law is published in the Queensland Government Gazette and becomes legally binding.

5.3. Community Engagement

Council will ensure that:

- The community has adequate opportunity to provide feedback.
- Consultation is accessible and inclusive.
- Public notices are issued via the Council's website, social media, and public meetings.

5.4. Anti-Competitive Provisions

Where a proposed local law contains anti-competitive provisions, Council must:

- Conduct a Public Interest Test as required by the *Local Government Regulation 2012* (Qld).
- Ensure the provision does not unfairly restrict competition unless justified in the public interest.

5.5. Review and Repeal of Local Laws

- Council will review all local laws at least once every five (5) years to ensure their relevance and effectiveness.
- Council may repeal a local law if it is deemed unnecessary, redundant, or inconsistent with state or federal legislation.

6. Roles and Responsibilities

- Council: Approves the making, amendment, and repeal of local laws.
- Chief Executive Officer (CEO): Oversees the local law-making process and ensures compliance with legislation.
- Legal and Governance Team: Provides legal advice, drafts local laws, and conducts state interest and public interest tests.
- Community Engagement Team: Facilitates public consultation and ensures community participation in the law-making process.

7. Related Documents

- Community Engagement Policy
- Delegations Register
- Local Law Register

8. Document Controls

Council will review this policy every two years or as required by changes in law or best practice.

9. Policy Owner

Director Corporate Services.