



Local Law Making Policy

Policy Information			
Policy Name	Local Law Making		
Policy Number	MSC-STAT-023		
Type	Statutory Policy		
Owner	Chief Executive Officer		
Responsible Officer	Chief Executive Officer		
Decision No.	2026/101	Approval Date	24/6/2026
Records No.		Next Review Date	June 2029

Document Version Control			
Version	Date	Resolution No.	Details
1	24/6/2026	2026/101	New Issue

1. Purpose

- 1.1. This policy establishes the framework for the making, amendment, review, and repeal of local laws by Council in compliance with the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld).
- 1.2. This policy ensures that local laws are developed transparently, equitably, and in a manner that meets the needs of Council's community and the requirements of State legislation.
- 1.3. As this is a Statutory Policy, it operates as a combined policy and procedure. It goes beyond what is normally required in a policy as it needs to meet the requirements detailed in the relevant legislation.

1. Commencement

- 1.1. This policy commences on the Approval Date. It replaces any previous policy of the same intent.

2. Scope

- 2.1. This policy applies to all Elected Members, employees, contractors, volunteers, consultants and agents of Council.
- 2.2. This policy sets out the process Council will follow when making model local laws, interim local laws, other local laws, and subordinate local laws, including all new local laws, amendments to existing local laws, and repeals of local laws made by Council.

3. Terms and Definitions

Term	Definition
Anti-Competitive Provisions	Provisions in proposed local or subordinate local laws that must be assessed against the identification guidelines prescribed under the <i>Local Government Regulation 2012 (Qld)</i> to determine whether they contain possible anti-competitive components.
Council	Mornington Shire Council.
Elected Member	The elected representatives of Council, including the Mayor.
Interim Local Law	A local law introduced to address an immediate public health or safety risk, or where there is concern that action may be taken during consultation that would defeat the purpose of the law. Community engagement is not required prior to making an interim local law, and no review for anti-competitive provisions is required. Interim local laws are valid for a period of six months or less while Council conducts public consultation before introducing the law permanently.
Local Law	A law made by Council under the <i>Local Government Act 2009 (Qld)</i> that applies within Council's local government area. Local laws are statutory instruments that are ultimately enforceable through the courts.
Model Local Law	A local law proposed by the Minister for Local Government to cover issues common to many local governments.
Other Local Law	A local law independently made by Council to deal with a matter in its local area, including laws that amend or repeal existing local laws.
Subordinate Local Law	A law made under a power provided for in a local law that supplies the detailed information required for the operation of that local law. A subordinate local law must be read in conjunction with the local law under which it is made.

4. Roles and Responsibilities

Role	Responsibilities
Council	<ul style="list-style-type: none"> Approve the making, amendment, and repeal of local laws and subordinate local laws by resolution, in accordance with this policy and the <i>Local Government Act 2009</i> (Qld).
Chief Executive Officer	<ul style="list-style-type: none"> Oversee the local law-making process and ensure compliance with all applicable legislation. Report to Council on local law matters.
CEO Delegate / Governance Officer	<ul style="list-style-type: none"> Draft proposed local laws and subordinate local laws and ensure they comply with applicable legal frameworks and the drafting guidelines issued by the Parliamentary Counsel. Conduct or coordinate State interest checks with relevant government entities. Conduct or coordinate the review of anti-competitive provisions. Facilitate public consultation and ensure community participation in the law-making process. Maintain Council's register of local laws and ensure it is kept current.

5. Policy

5.1. Council's Commitment

- 5.1.1. Council is committed to making local laws that are necessary or convenient for the good rule and local government of its area, and to doing so transparently, equitably, and in a way that meets the needs of the community and the requirements of State legislation.
- 5.1.2. Council's local law-making process will comply with the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld), and will be consistent with Council's obligations under the *Human Rights Act 2019* (Qld).

5.2. Principles

- 5.2.1. Council's local law-making process is guided by the following principles:
- Compliance with legislative frameworks.** The process is consistent with State and national legislative frameworks.
 - Transparency and consultation.** The process promotes transparency and meaningful community consultation.
 - Consideration of impact.** The process considers the impact of local laws on residents, businesses, and other stakeholders.
 - Review of anti-competitive provisions.** Any anti-competitive provisions are addressed in accordance with the prescribed procedures.
 - Compliance with drafting standards.** Council's local laws and subordinate local laws are drafted in compliance with the guidelines issued by the *Parliamentary Counsel under the Legislative Standards Act 1992* (Qld).

- f) **Consistency with human rights.** The process is consistent with Council’s obligations under the *Human Rights Act 2019* (Qld).

6. Procedure

6.1. Model Local Laws

- 6.1.1. The model local law-making process must be used to make a local law that is an adopted model local law.

Step	Action
1	By resolution, propose to adopt the model local law.
2	If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
3	If there is an existing local law about a matter contained in the model local law that is inconsistent with the model local law, amend or repeal the existing local law so that there is no inconsistency, and then by resolution: <ul style="list-style-type: none"> • adopt the model local law.
4	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 publishing the notice on Council’s website, in full compliance with the requirements of the <i>Local Government Act 2009</i> (Qld), within one month after the day when Council made the resolution.
5	As soon as practicable after the notice is published, ensure that a copy of the local law may be inspected and purchased at Council’s public office.
6	Within 14 days after the notice is published, give the Minister: a copy of the notice; and a copy of the local law in electronic form. If the local law contains one or more anti-competitive provisions, also provide: advice of each anti-competitive provision; and the reasons for their inclusion.
7	Update Council’s register of local laws.

6.2. Interim Local Laws

- 6.2.1. The interim local law-making process must be used to make a local law that is an adopted interim local law.

Step	Action
1	By resolution, propose to adopt the interim local law.
2	Consult with relevant government entities about the overall State interest in the proposed interim local law, if the interim local law does not incorporate a model local law only and is not a subordinate local law.
3	By resolution, Council must decide whether to: <ul style="list-style-type: none"> • adopt and make the proposed interim local law; and

Step	Action
	<ul style="list-style-type: none"> • if there is an existing local law about the matter that is inconsistent with what is adopted, amend or repeal the existing local law so that there is no inconsistency for the period of effect of the interim local law (amendment or repeal of the inconsistent law may be done in the same instrument adopting the local law); or • proceed with the making of the proposed interim local law with amendments; or • not proceed with the making of the proposed interim local law. <p><i>Interim local laws are valid for six months or less and must contain an expiry provision. If Council resolves to proceed with the making of the interim local law but does not set an expiry date, the interim local law-making process must be discontinued and the proposed adoption must be progressed using the other local law-making process, commencing at Step 2. If Council resolves to adopt and make the interim local law with or without amendments, continue at Step 4.</i></p>
4	Let the public know that the interim local law has been made by publishing a notice of the making of the local law in the gazette, and publishing the notice on Council's website, in full compliance with the requirements of the <i>Local Government Act 2009</i> (Qld) within one month after the day when Council made the resolution.
5	As soon as practicable after the notice is published, ensure that a copy of the interim local law may be inspected and purchased at Council's public office.
6	<p>Within 14 days after the notice is published, give the Minister:</p> <ul style="list-style-type: none"> • a copy of the notice; and • a copy of the local law in electronic form. <p>If the local law contains one or more anti-competitive provisions, also provide</p> <ul style="list-style-type: none"> • advice of each anti-competitive provision; • and the reasons for their inclusion.
7	Update Council's register of local laws.

6.3. Other Local Laws

6.3.1. The other local law-making process must be used to make a local law (a proposed local law) including:

- a) a new local law developed independently by Council
- b) a local law that incorporates a model local law with amendments
- c) an amending local law
- d) a repealing local law
- e) a consolidating local law

but not a model local law, an interim local law, or a subordinate local law.

Step	Action
1	By resolution, propose to make the proposed other local law.
2	<p>Consult with relevant government entities about the overall State interest in the proposed local law.</p> <p><i>If Council decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial administrative change or a legislative reference amendment to maintain currency, and those amendments do not change an anti-competitive provision, Council may proceed to Step 6 without satisfying Steps 2 to 5.</i></p>
3	<p>Consult with the public about the proposed local law for at least 21 days (the consultation period) by:</p> <ul style="list-style-type: none"> • publishing a consultation notice about the proposed local law at least once in a newspaper circulating generally in Council's area; and • publishing a consultation notice on Council's website; • and displaying the consultation notice in a conspicuous place at Council's public office from the first day to the last day of the consultation period; and • making a copy of the proposed local law available for inspection at Council's public office during the consultation period; and • making copies available for purchase at Council's public office during the consultation period. <p>The consultation notice must state:</p> <ul style="list-style-type: none"> • the name of the proposed local law; and • the purpose and general effect of the proposed local law; • and the length of the consultation period and the first and last days of the period; and • that written submissions from any person supporting or objecting to the proposed local law may be made to Council on or before the last day of the consultation period, stating the grounds of the submission and the facts and circumstances relied on in support of those grounds. <p><i>If Council decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change (having full regard to the principles in the Local Government Act 2009 (Qld)), Council may proceed to Step 6 without satisfying Steps 3 or 5.</i></p>
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. <i>Steps 3 and 4 may be undertaken contemporaneously.</i></p>
5	<p>Accept and consider every submission properly made to Council. A submission is properly made if it:</p> <ul style="list-style-type: none"> • is a written submission from any person about the proposed local law; and • states the grounds of the submission and the facts and circumstances relied on in support of those grounds; and • is given to Council on or before the last day of the consultation period.
6	By resolution, decide whether to:

Step	Action
	<ul style="list-style-type: none"> • make the proposed local law as advertised; or • make the proposed local law with amendments; or • not proceed with the making of the proposed local law. <p><i>If Council resolves to proceed with the making of the proposed local law with substantial amendments, Council may again consult with the public (Step 3) and consider submissions (Step 5). If an amendment changes an anti-competitive provision, Council must again comply with the prescribed anti-competitive review procedures for that amended provision.</i></p>
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 publishing the notice on Council's website, in full compliance with the requirements of the <i>Local Government Act 2009</i> (Qld), within one month after the day when Council made the resolution.
8	As soon as practicable after the notice is published, ensure that a copy of the local law may be inspected and purchased at Council's public office.
9	<p>Within 14 days after the notice is published, give the Minister:</p> <ul style="list-style-type: none"> • a copy of the notice; and • a copy of the local law in electronic form. <p>If the local law contains one or more anti-competitive provisions, also provide:</p> <ul style="list-style-type: none"> • advice of each anti-competitive provision; and • the reasons for their inclusion.
10	Update Council's register of local laws.

6.4. Subordinate Local Laws

6.4.1. The subordinate local law-making process must be used to make a subordinate local law (a proposed subordinate local law).

6.4.2. Council may start the process for making a subordinate local law even though the process for making the local law on which it is to be based (the proposed authorising law) has not finished, provided that in making the proposed authorising law Council satisfies the model local law-making process or the other local law-making process, and that where the authorising law is being made under the other local law-making process, the notice about the proposed subordinate local law at Step 2 is published no earlier than the notice about the proposed authorising law.

Step	Action
1	By resolution, propose to make the proposed subordinate local law.
2	<p>Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by:</p> <ul style="list-style-type: none"> • publishing a consultation notice about the proposed subordinate local law at least once in a newspaper circulating generally in Council's area; and • publishing a consultation notice on Council's website; and

Step	Action
	<ul style="list-style-type: none"> • displaying the consultation notice in a conspicuous place at Council’s public office from the first day to the last day of the consultation period; and • making a copy of the proposed subordinate local law available for inspection at Council’s public office during the consultation period; and • making copies available for purchase at Council’s public office during the consultation period. <p>The consultation notice must state:</p> <ul style="list-style-type: none"> • the name of the proposed subordinate local law; and • the name of the local law authorising the proposed subordinate local law to be made (or, if the authorising law is not yet made, the name of the proposed authorising law); and • the purpose and general effect of the proposed subordinate local law; and • the length of the consultation period and the first and last days of the period; and • that written submissions may be made to Council on or before the last day of the consultation period, stating the grounds of the submission and the facts and circumstances relied on in support of those grounds. <p><i>If Council 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, Council may proceed to Step 5 without satisfying Steps 2 to 4.</i></p>
3	<p>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.</p> <p><i>Steps 2 and 3 may be undertaken contemporaneously.</i></p>
4	<p>Accept and consider every submission properly made to Council. A submission is properly made if it:</p> <ul style="list-style-type: none"> • is a written submission from any person about the proposed subordinate local law; and • states the grounds of the submission and the facts and circumstances relied on in support of those grounds; and • is given to Council on or before the last day of the consultation period.
5	<p>By resolution, decide whether to:</p> <ul style="list-style-type: none"> • make the proposed subordinate local law as advertised; or • make the proposed subordinate local law with amendments; or • not proceed with the making of the proposed subordinate local law. <p><i>If Council resolves to make the proposed subordinate local law with substantial amendments, Council may again consult with the public (Step 2) and consider submissions (Step 4). If an amendment changes an anti-competitive provision, Council must again comply with the prescribed anti-competitive review procedures for that amended provision.</i></p>
6	<p>Let the public know that the subordinate local law has been made by:</p>

Step	Action
	<ul style="list-style-type: none"> publishing a notice of the making of the subordinate local law in the gazette, and publishing the notice on Council's website, in full compliance with the requirements of the Local Government Act 2009 (Qld), within one month after the day when Council made the resolution.
7	As soon as practicable after the notice is published, ensure that a copy of the subordinate local law may be inspected and purchased at Council's public office.
8	<p>Within 14 days after the notice is published, give the Minister:</p> <ul style="list-style-type: none"> a copy of the notice; and a copy of the subordinate local law in electronic form. <p>If the subordinate local law contains one or more anti-competitive provisions, also provide:</p> <ul style="list-style-type: none"> advice of each anti-competitive provision; and the reasons for their inclusion.
9	Update Council's register of local laws.

7. Recordkeeping

- 7.1. Council will maintain a register of its local laws and subordinate local laws, and will keep the register current as local laws are made, amended, or repealed.
- 7.2. Council's recordkeeping for the local law-making process will include resolutions, consultation notices, submissions received, and notices given to the Minister, kept in accordance with the *Public Records Act 2023 (Qld)*.

8. Training and Awareness

- 8.1. All Personnel involved in the local law-making process must receive training on this policy and the relevant legislative requirements.

9. Human Rights Consideration

- 9.1. Council is a public entity under the *Human Rights Act 2019* (Qld) and must act and make decisions in a way that is compatible with human rights.
- 9.2. This policy supports the right to take part in public life by requiring public consultation on proposed local laws and subordinate local laws, and by ensuring the community has the opportunity to make submissions before a local law is made.

10. Evaluation of Policy

- 10.1. The success of this policy will be measured by:
- compliance with the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld) in the making of local laws;
 - the currency and accuracy of Council's register of local laws; and
 - the timely completion of consultation, State interest checks, and anti-competitive provision reviews where required.

11. Related Legislation and Policies

- Local Government Act 2009* (Qld)
- Local Government Regulation 2012* (Qld)
- Public Records Act 2023* (Qld)
- Human Rights Act 2019* (Qld)
- Competition and Consumer Act 2010* (Cth)
- Register of Local Laws

12. Publication

- 12.1. As a Statutory Policy, this policy must be published on Council's website in accordance with the *Local Government Act 2009* (Qld).

13. Policy Breaches

- 13.1. Failure to comply with this policy may result in disciplinary action and may also result in decisions being reviewed, suspended, or set aside where required to address risk, probity, or legal compliance.
- 13.2. Suspected misconduct, fraud, improper influence, or serious probity concerns must be reported in accordance with Council's relevant reporting processes and applicable Code of Conduct.

14. Policy Review

- 14.1. This policy is to be reviewed in accordance with the Governance Framework, and at least annually or following any material change to the *Local Government Act 2009* (Qld) or the *Local Government Regulation 2012* (Qld).
- 14.2. Council reserves the right to vary, replace, or terminate this policy from time to time.

15. Approval

This policy was duly adopted by resolution of Mornington Shire Council on 24/6/2026 Resolution No. 2026/101 and shall hereby supersede any previous policies of the same intent.