

What is a local law?

Fact Sheet

A local law is a statutory instrument made by local governments to regulate a broad range of issues within their communities.

The types of local law that can be made are:

- local law - developed independently by an individual local government tailored to meet the specific needs of its community
- interim local law - effective for up to six months to enable local governments to quickly adopt a local law to address a particular issue
- subordinate local law - made under a head of power contained in a local law to provide for the detailed implementation of the broader principles contained in the local law
- model local law - a local law approved by the Minister for Local Government as suitable for adoption by local governments.

Power to make local laws

Section 28 of the *Local Government Act 2009* and section 29 of the *City of Brisbane Act 2010* provides the power for local governments to make and enforce local laws that are necessary or convenient for the good rule and government of their local government area.

However, the legislation also limits the powers of local governments to make local laws:

- with penalties of more than 850 penalty units
- that purport to stop a local law being amended or repealed in the future
- about a prohibited subject (i.e. network connections, distribution of how-to-vote cards, prohibiting the placement of election signs/posters, development processes or swimming pool safety barriers)
- that are anti-competitive (unless the local government has complied with the prescribed procedure for review of the anti-competitive provision)
- that are inconsistent with state law.

Local government responsibilities

It is the responsibility of each local government to make local laws and to decide what process it will use to make them, provided the process and the laws are consistent with the provisions of the relevant Act:

- *Local Government Act 2009* (chapter 3, part 1)
- *City of Brisbane Act 2010* (chapter 3, part 2)