

Local law making process

Fact Sheet

Legislative requirements

Local governments can decide the process they use to make local laws. There are, however, specific requirements that all local governments must comply with under chapter 3, part 1 of the *Local Government Act 2009* and chapter 3, part 2 of the *City of Brisbane Act 2010*.

Requirements include that local governments must:

- draft their local laws in accordance with the [Guidelines for drafting local laws](#) issued by the Office of the Parliamentary Counsel under the *Legislative Standards Act 1992*
- if repealing or amending another local law, the local law must include a provision that repeals or amends an existing local law
- negotiate directly with the state in checking state interests in relation to proposed local laws
- make local laws by resolution of council
- notify the public and the Minister for Local Government of any new local laws and make copies available for inspection or purchase
- keep a register of local laws in the way prescribed under the regulation.

Good practice tips

Any actions taken under the Local Government Acts, such as local law making, must comply with the local government principles set out in section 4 of both Acts.

With this in mind it is good practice to take a consistent and transparent approach to the making of local laws to ensure that they are effective, deliver the desired result and maintain public confidence in the process. It is also good practice to regularly review and, if required, update local laws.

Some key considerations for local governments are outlined below:

- Is a local law the most appropriate solution to a specific issue?
- Can the issue be dealt with in ways other than regulation?
- What is the community interest in the proposed local law?
- Should there be a community consultation process?
- What is the appropriate level or type of community consultation?

Community consultation

One of the local government principles is democratic representation, social inclusion and meaningful community engagement.

Consistent with this principle it is good practice for local governments to consult with the public on a proposed local law.

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Section 29(6) of the *Local Government Act 2009* and section 30(6) of the *City of Brisbane Act 2010* declare that a local government does not have to carry out any public consultation before making:

- an interim local law or
- a model local law which does not contain an anti-competitive provision. Note that a local law that in any way amends, or contains additional provisions to a model local law, is no longer a 'model local law'.

Nevertheless, a local government may choose to engage in consultation before it makes an interim, model or any other local law.