

Kowanyama Aboriginal Shire Council

Local Law-Making Policy



Policy Number:	KASC-STAT-042
Responsible Manager:	Chief Executive Officer
Legislation:	Local Government Act 2009 Local Government Regulation 2012 Human Rights Act 2019
Approval Date:	18 February 2026

1. 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 Kowanyama Aboriginal Shire community.

2. Scope

In accordance with the Local Government Act 2009, this document sets out the procedure Kowanyama Aboriginal Shire Council ("Council") will use when making:

- a) Model Local Laws
- b) Subordinate Local Laws
- c) Other local laws

This policy applies to all new local laws, amendments to existing laws, and repeals of laws made by Kowanyama Aboriginal Shire Council (Council).

It covers Council employees, Councillors, and other stakeholders involved in the local law-making process.

3. Terms and Definitions

3.1. In this policy:

Council:	Means Kowanyama Aboriginal Shire Council
Local Laws:	Under the Local Government Act 2009, the Queensland Government provides powers to local governments to develop and adopt local laws to assist with the administration and execution of their legislative roles and functions. Local laws when made by a Local Government Authority are laws which apply within its local government area. Local laws are statutory instruments of law and are ultimately enforceable through the Courts.
Model Local Laws:	Are proposed by the Minister for Local Government to cover issues that are common to many local governments.
Other Local Laws:	Are local laws that are independently made by Local Governments to deal with an issue in their local area. Other local laws also include laws which amend or repeal existing local laws
Interim Local Laws:	Are typically introduced to address cases of immediate public health and safety risks or where there is a concern that action may be taken during public consultation to make the law, which would defeat the purpose of introducing the law. Community engagement is not required prior to making an interim Local Law. Interim local laws do not require a review for anti-competitive provisions. Interim local laws are adopted for a limited period of six months or less while the Local Government conducts public consultation before introducing the law permanently.
Subordinate Local Laws:	Are made under a power provided for in a Local Law and provide the detailed information required for the operation of a Local Law. Subordinate local laws need to be read in conjunction with the Local Law under which they are made
Anti-competitive Provisions:	Proposed local and subordinate local laws must be assessed under the 11 criteria provided in the NCP Guidelines to determine whether they contain possible anti-competitive components.

4. Policy

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

The process applies to the making of:

- a) Each local law that incorporates only a model local law;
- b) Each local law that is an interim local law;
- c) Each 'other' local law (includes new local laws developed independently by a local government, local laws that incorporate a model local law with amendments, amending local laws, repealing local laws and consolidating local laws); and
- d) Each local law that is a subordinate local law (includes new subordinate local laws developed independently by a local government, subordinate local laws based on a Model Subordinate Local Law, and amending, repealing and consolidating Subordinate Local Laws.

5. Process

5.1. Model Local Laws

The process (model local law-making process) stated in this policy 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 matter in the model local law - amend or repeal the existing local law so that there is no inconsistency and then by resolution: <ol style="list-style-type: none"> a) 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 accordance with the requirements of the Local Government Act 2009.
5	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.
6	Within 14 days after the notice is published in the gazette, give the Minister: <ul style="list-style-type: none"> • a copy of the notice; and • a copy of the local law in electronic form; • and if the local law contains one or more anti-competitive provisions: <ul style="list-style-type: none"> ○ advice of each anti-competitive provision; ○ and the reasons for their inclusion
7	Update the local government's register of its local laws.

5.2. Interim Local Laws

The process ("interim local law-making process") stated in this resolution 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 or is not a subordinate local law.
3	<p>By resolution, Council must decide whether to:</p> <ul style="list-style-type: none"> a) adopt and make the proposed interim local law and 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 b) proceed with the making of the proposed interim local law with amendments; or c) not proceed with the making of the proposed interim local law. <p>Interim local laws are valid for six (6) months or less and must contain an expiry provision. If Council resolves to proceed with the making of the interim local law but not to set an expiry date for the interim local law, the use of the interim local law making process is to be discontinued and the proposed adoption of the local law with amendments must then be progressed using the "other local law making process" (provided below), commencing at Step 2.</p> <p>If the Council resolves to adopt and make the interim local law with or without amendments, continue this process at Step 4.</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, fully complying with the requirements set out in the Local Government Act 2009, and on the local government's website, fully complying with the requirements set out in Section 29B of the Local Government Act 2009, within one (1) month after the day when the local government made the resolution.
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.
6	<p>Within 14 days after the notice is published in the gazette, 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; • and if the local law contains one or more anti-competitive provisions: <ul style="list-style-type: none"> ○ advice of each anti-competitive provision; ○ and the reasons for their inclusion
7	Update the local government's register of its local laws.

5.3. Other Local Law

The process (other local law-making process) stated in this resolution must be used to make a local law (a proposed local law) including:

- a new local law developed independently by a local government;
- or a local law which incorporates a model local law with amendments;
- an amending local law;
- a repealing local law;
- a consolidating local law

but not the following:

- a model local law; or
- an interim local law; or
- a subordinate local law.

Step	Action
1	By resolution, propose to make the proposed other local law
2	Consult with relevant government entities about the overall State interest in the proposed local law.
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"> a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and b) displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and c) making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and d) making copies of the proposed local law available for purchase at the local government's public office during the consultation period. <p>The consultation notice must state the following:</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 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"> ○ the grounds of the submission; ○ and the facts and circumstances relied on in support of the grounds. <p>If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, having full regard for the principles provided by the Local Government Act 2009, the local government may proceed to Step 6 without satisfying Step 3 or Step 5.</p> <p>If the local government 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 these proposed amendments do not change an anticompetitive provision, the local government may proceed to Step 6 without satisfying Step 2 to Step 5.</p>

4	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, Step 3, and this Step 4, may be undertaken contemporaneously.
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> <ol style="list-style-type: none"> a) is the written submission of any person about the proposed law; b) and states <ol style="list-style-type: none"> I. the grounds of the submission; and II. the facts and circumstances relied on in support of the grounds; and c) is given to the local government on or before the last day of the consultation period.
6	<p>By resolution, decide whether to:</p> <ol style="list-style-type: none"> a) proceed with the making of the proposed local law as advertised; or b) proceed with the making of the proposed local law with amendments; or c) make the proposed law as advertised; or d) make the proposed local law with amendments; or e) not proceed with the making of the proposed local law. <p>If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again:</p> <ol style="list-style-type: none"> a) consult with the public at Step 3; and b) accept and consider every submission properly made to the local government at Step 5. <p>For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.</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 accordance with the requirements of the Local Government Act 2009.
8	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.
9	<p>Within 14 days after the notice is published in the gazette, 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; • and if the local law contains one or more anti-competitive provisions: <ul style="list-style-type: none"> ○ advice of each anti-competitive provision; <p>and the reasons for their inclusion</p>
10	Update the local government's register of its local laws.

5.4. Subordinate Local Law

The process (subordinate local law-making process) stated in this resolution must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use Steps 1 to 5 of the subordinate local law-making process (other than making the subordinate local law) before the proposed authorising law is made if:

- a) in making the proposed authorising law, the local government must satisfy
 - I. the model local law-making process; or
 - II. the other local law-making process; and
- b) if the proposed authorising law is made under the other local law-making process - the notice about the subordinate local law under Step 2 of the subordinate local law-making process is published no earlier than the notice about the proposed authorising law under Step 3 of the other local law-making process is published.

For the avoidance of doubt, a subordinate local law made by the local government using the process detailed in this resolution may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the Local Government Regulation 2012 the identification guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website; and the public interest test procedures are a document made by the department and available for inspection on the department's website.

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> <ol style="list-style-type: none"> a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and d) making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period. <p>The consultation notice must state the following:</p> <ol style="list-style-type: none"> a) the name of the proposed subordinate local law; b) and the name of <ol style="list-style-type: none"> I. the local law allowing the proposed subordinate local law to be made; or 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 c) the purpose and general effect of the proposed subordinate local law; and d) the length of the consultation period and the first and last days of the period; and

	<p>e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating</p> <ol style="list-style-type: none"> I. the grounds of the submission; and II. the facts and circumstances relied on in support of the grounds. <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>
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.
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> <ol style="list-style-type: none"> a) is the written submission of any person about the proposed subordinate local law; and b) states: <ol style="list-style-type: none"> I. The grounds of the submission; and the facts and II. circumstances relied on in support of the grounds; and c) is given to the local government on or before the last day of the consultation period.
5	<p>By resolution, decide whether to:</p> <ol style="list-style-type: none"> a) make the proposed subordinate local law as advertised; or b) make the proposed subordinate local law with amendments; or c) not proceed with the making of the proposed subordinate local law. <p>If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again:</p> <ol style="list-style-type: none"> a) consult with the public at Step 2; and b) accept and consider every submission properly made to the local government at Step 4. <p>For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.</p>
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 accordance with the requirements of the Local Government Act 2009.
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.
8	<p>Within 14 days after the notice is published in the gazette, 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; • and if the local law contains one or more anti-competitive provisions: <ul style="list-style-type: none"> ○ advice of each anti-competitive provision; <p>and the reasons for their inclusion</p>
9	Update the local government's register of its local laws.

6. Policy Review

- 6.1. The policy is to be reviewed in accordance with the Policy Framework.
- 6.2. Kowanyama Aboriginal Shire Council reserves the right to vary, replace, or terminate this policy from time to time.

7. Approval

- 7.1. This policy was duly authorised by Council on 18 February 2026 as Kowanyama Aboriginal Shire Council's Local Law-Making Policy and shall hereby supersede any previous policies of the same intent.