



**CHERBOURG
ABORIGINAL
SHIRE COUNCIL**

**CHERBOURG ABORIGINAL SHIRE COUNCIL
ADOPTION OF PROPOSED NEW LOCAL LAWS**

**SUMMARY GUIDE TO PROPOSED NEW LOCAL LAWS FOR
COMMUNITY CONSULTATION**

At its July 2021 meeting, Cherbourg Aboriginal Shire Council resolved to propose adopt new Local Laws and Subordinate Local Laws to deal with particular matters in its local government area.

Council is proposing to adopt four Local Laws, and four corresponding Subordinate Local Laws, and repeal (remove) its existing Local Laws.

Council is now consulting with the public on the terms of the Local Laws.

What are the Local Laws?

Local Laws are new laws (sometimes called “By-Laws”) to regulate particular activities at Cherbourg.

The Local Laws and Subordinate Local Laws are:

- Administration;
- Animal Management;
- Community and Environmental Management;
- Indigenous Community Land Management;

(“**the Proposed New Local Laws**”).

A summary of the purpose and effect of the Proposed New Local Laws are below. This is a summary only, and a full copy of the Proposed New Local Laws can be accessed for community members to consider in detail.

Administration Local Law

Overall Purpose

To provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters by providing for:

- consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities;
- authorised persons for enforcing local laws;
- review of certain decisions made under local laws;
- enforcement of local laws;
- matters relating to legal proceedings; and
- miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

Specific Provisions

- Lists activities that require approval from Council – for example:
 - Commercial use of local government controlled areas and roads;
 - Installation of advertising devices;
 - Keeping of animals;
 - Operation of temporary entertainment events;
 - Undertaking regulated activities regarding human remains;
 - Undertaking regulated activities on local government controlled areas or roads;
 - Driving or leading animals across a road;
 - Depositing goods and materials on a local government area;
 - Holding a public place activity;
 - Bringing or driving motor vehicles onto a park or reserve;
 - Carrying out works on a road or interfering with its operation;
 - Camping within a camping site.
- Sets out conditions of approval for these activities

Animal Management Local Law

Overall Purpose

To regulate and manage the keeping and control of animals in the local government's area in a way that:

- balances community expectations with the rights of individuals;
- protects the community against risks to health and safety;
- prevents pollution and other environmental damage;
- protects the amenity of the local community and environment.

Specific Provisions

- Creates permit system for keeping animals over a certain number;
- Deals with seizing, impounding, putting down animals;
- Regulates enclosures animals must be provided in;
- Duty to provide proper enclosure and prevent animal from wandering;
- Power to seize and destroy animals in certain circumstances;
- Lists maximum number of animals;
 - More than 2 dogs over the age of 12 weeks prohibited;
 - Livestock in the town area prohibited;
- Lists conditions in which animals must be kept;
- Lists enclosure requirements for animals.

Community and Environmental Management

Overall Purpose

To protect the environment and public health, safety and amenity within the local government's area by elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from:

- inadequate protection against animal and plant pests;
- vegetation overgrowth;
- visual pollution resulting from accumulation of objects and materials;
- fires and fire hazards not regulated by State law;

- community safety hazards;
- noise that exceeds noise standards.

Specific Provisions

- Creates offences for breaches relating to:
 - Overgrown allotments;
 - Accumulation of objects and materials on allotments;
 - Fire hazards;
 - Community safety hazards (e.g. barbed wire);
 - Noise standards;

Indigenous Community Land Management

Overall Purpose

To enable the local government with jurisdiction over the trust area under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, to regulate the use of that area.

Specific Provisions

- Creates offence for prohibited/restricted activities on local government controlled areas and roads – for example:
 - Annoying/disturbing conduct in a public place prohibited;
 - Lighting fires permitted only if authorised;
- Regulate approvals for camping sites/parks and reserves;
- Creates offence to undertake prohibited activities within camping sites/parks and reserves.

Enforcement

Fines apply for breaching Local Laws

Anti-Competitive Provisions

Council has identified that the Proposed New Local Laws may contain anti-competitive provisions, and Council has prepared a review of these anti-competitive provisions in accordance with legislative requirements.

Consultation

Council invites the public to comment on the Proposed New Local Laws and the review of anti-competitive provisions.

Comments may be provided to Council in writing, and may be delivered to Council:

- (a) by email to JBodenmann@prestonlaw.com.au; or
- (b) by post to PO Box 707N, North Cairns Qld 4870; or
- (c) by hand-delivery to Council Chambers, 22 Barambah Avenue, Cherbourg.

Consultation is open until **5.00pm, 3 September 2021**. Comments received after this time and date may not be considered by Council.

Contact

Copies of the Proposed New Local Laws, and a review of anti-competitive provisions contained in the Local Laws, are available from Council's website, or by contacting Council at ceo@cherbourg.qld.gov.au or 07 4168 1866.

**CHIEF EXECUTIVE OFFICER
CHERBOURG ABORIGINAL SHIRE COUNCIL**