



**Community Standards for Private Land
Local Law 2023**

Moreton Bay City Council

Community Standards for Private Land Local Law 2023

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Moreton Bay City Council Community Standards for Private Land 2023

Part 1 Preliminary

Division 1 Introductory provisions

1 Short title

This Local Law may be cited as the *Community Standards for Private Land Local Law 2023*.

Division 2 Object and achievement of Local Law

2 Object

The object of this Local Law is to prevent or minimise impacts to the environment, public health, safety and amenity within the local government area.

3 How object of Local Law is to be achieved

The object of this Local Law is to be achieved by providing for the elimination or reduction of risks and threats to the environment, public health and safety, and amenity arising from—

- (a) inadequate protection against animal and plant pests; and
- (b) vegetation overgrowth; and
- (c) the accumulation of objects, materials and organic matter; and
- (d) fires not regulated by State law; and
- (e) a local annoyance or hazard.

Division 3 Interpretation

4 Definitions

The dictionary in the Schedule defines particular words used in this Local Law.

Division 4 Operation of Local Law

5 Relationship with other Acts

This Local Law is in addition to and does not derogate from—

- (a) any other laws that may regulate—
 - (i) the use or development of land; and

- (ii) pest management; and
 - (iii) fires; and
 - (iv) environmental protection; and
 - (v) animal care and protection; and
- (b) any provision of the *Local Government Act 2009*.

Part 2 Declared local pests

Division 1 What this part is about

6 Overview

This part—

- (a) provides for the local government to declare local pests; and
- (b) provides for the control of local pests; and
- (c) prohibits the sale and propagation of declared local pests.

7 Application of part

This part does not apply to—

- (a) an animal or plant that is prohibited matter or restricted matter under the *Biosecurity Act 2014*; and
- (b) native animals and native plants that are protected wildlife under the *Nature Conservation Act 1992*; and
- (c) native fish that are managed under the *Fisheries Act 1994*.

Division 2 Declaration of local pests

8 Declaration of local pests

- (1) The local government may, by Subordinate Local Law, declare an animal or plant of a specified species to be a local pest (*declared local pest*).
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government area; and
 - (b) comes into force on the date of publication.
- (4) In this section—

chief executive means the chief executive of the department which administers the *Biosecurity Act 2014*.

9 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of public health or safety or environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest (*declared local pest*).
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government area; and
 - (b) comes into force on the date of publication; and
 - (c) comes to an end 3 months after the date of publication.

10 Application of declaration

A declaration may apply—

- (a) to the whole of the local government area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

11 Power to search for declared local pests

- (1) This section applies where, in the reasonable opinion of an authorised person, it is necessary to enter land to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the land, the authorised person may—
 - (a) enter the land without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the land, inform any occupier of the land—
 - (i) of the reason for entering the land; and
 - (ii) that the authorised person is authorised under this Local Law to enter the land, excluding a home on the land, without the permission of the occupier; and
 - (b) may enter a home that is on the land only with the permission of the occupier of the relevant part of the land.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

12 Pest control notices

- (1) An authorised person may, by compliance notice given to the owner of land, require the owner to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (c) prevent or minimise seeding or reproduction by declared local pests; or
 - (d) contain infestation by declared local pests within a localised area; or
 - (e) reduce the density or extent of infestation by declared local pests; or
 - (f) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

13 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale supply.

Maximum penalty— 50 penalty units.

14 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—
 - (a) introduce, propagate or breed a declared local pest; or
 - (b) provide harbour to a declared local pest.

Maximum penalty— 50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been exempted by the local government from the offence in subsection (1) in relation to a declared local pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- *Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.*
- *Staff of an organisation using a particular pest as part of an education program.*

- (3) In this section—

introduce means to introduce, or cause to introduce, into the local government area.

Part 3 Overgrown and unsightly land

Division 1 What this part is about

15 Overview

This part provides for the regulation of overgrown land and accumulation of objects, materials and organic matter on land.

Division 2 Overgrown land and the accumulation of objects etc

16 Overgrown land

- (1) This section applies where, in the reasonable opinion of an authorised person, land is overgrown with vegetation to such an extent that it—
 - (a) has adversely affected the visual amenity of the land; or
 - (b) is likely to present a risk to the health and safety of the public.
- (2) The authorised person may, by compliance notice given to the responsible person for the land, require the responsible person to cut and remove the vegetation to an extent specified in the notice.
- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

17 Accumulation of objects, materials and organic matter on land

- (1) This section applies where, in the reasonable opinion of an authorised person, objects, materials or organic matter brought on to, or allowed to accumulate on, land—
 - (a) has adversely affected the visual amenity of the land; or
 - (b) is likely to present a risk to the health and safety of the public.

Examples for paragraph (a) of objects and materials that may adversely affect the visual amenity of the land—

 - *Discarded or disused machinery or machinery parts.*
 - *Broken-down or severely rusted vehicles.*
 - *Discarded bottles, containers or packaging.*
 - *Refuse or scrap material.*
- (2) The authorised person may, by compliance notice given to the responsible person for the land, require the responsible person to—
 - (a) remove objects, materials or organic matter that are causing the circumstance mentioned in subsection (1)(a) or (1)(b); or
 - (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (1)(b).

Example of action that might be required under paragraph (b)—

- *Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from view.*
 - *Maintain or install a working swimming pool filtration and chlorination system or equivalent.*
 - *Drain, treat or empty a swimming pool and prevent the accumulation of liquids.*
- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

Part 4 Fires

Division 1 What this part is about

18 Overview

This part restricts the types of fires that can be lit and maintained in the open on private land in the local government area.

Division 2 Fires

19 Regulation of lighting and maintaining fires in the open

- (1) This division applies to the following fires in the open—
- (a) a fire in which the material to be consumed does not exceed 2m in height, width or length; or
 - (b) a fire lit for the purpose of burning the carcass of a beast; or
 - (c) a fire lit for the purpose of cooking, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material there from.
- (2) A person must not light or maintain a fire on private land in the local government area unless the person complies with subsection (3).

Maximum penalty— 50 penalty units.

- (3) A fire is allowed on private land if—
- (a) the fire is being used to cook food in a barbeque, pizza oven, food smoker or similar device using clean and dry combustible material, and the fire is not in direct contact with the ground; or
 - (b) the—
 - (i) fire is lit and maintained within an effective fireplace, firepit or brazier; and
 - (ii) fire is fuelled by clean and dry combustible material; and
 - (iii) person lighting and maintaining the fire is an owner or occupier of the private land, or otherwise has the consent of the owner or occupier to light and maintain the fire; and

- (iv) outer edges of the fireplace, firepit or brazier are at least 2.5 metres from any land boundary, building, structure and vegetation; and
- (v) fire does not pose an unreasonable fire hazard; or
- (c) The fire is lit on private land that is 3000m² or larger and—
 - (i) the person lighting and maintaining the fire is an owner or occupier of the private land, or otherwise has the consent of the owner or occupier to light and maintain the fire; and
 - (ii) the fire does not pose an unreasonable fire hazard; and
 - (iii) the fire is fuelled by clean and dry combustible material; and
 - (iv) only one fire is burning at a time; and
 - (v) appropriate firefighting equipment is on the private land; and
 - (vi) the fire is not lit before 7am and the fire is extinguished no later than dusk on the same day; and
 - (vii) ashes from the fire are effectively wetted down when a fire is extinguished; and
 - (viii) the person proposing to light the fire must notify all neighbours of the intention to light a fire and the date on which this will occur; and
 - (ix) fires must be set back at least 6 metres from every land boundary and building; and
 - (x) a responsible person must be in attendance at the fire at all times until the fire is extinguished.
- (4) In this section—

clean and dry combustible material includes properly seasoned wood, charcoal, ethanol and gas, but does not include treated or painted timber, plastics, rubbish, paints, fabrics, petrol, oils, solvents or driftwood.

effective fireplace, firepit or brazier means a fireplace, firepit or brazier constructed and maintained to prevent the escape of fire or burning material.

fire hazard means the risk of flames—

- (a) coming into contact with, and causing burns to, a person; or
- (b) causing damage to property.

Part 5 Local annoyance or hazards

Division 1 What this part is about

20 Overview

This part provides for the regulation of a local annoyance or hazard and relevant powers of the local government.

Division 2 Management of a local annoyance or hazard

21 Power to enter land to inspect for a local annoyance or hazard

- (1) This section applies where, in the reasonable opinion of an authorised person, it is necessary to enter land to inspect it to identify a local annoyance or hazard.
- (2) After giving reasonable written notice to the owner and the occupier of the land, the authorised person may—
 - (a) enter the land without the permission of the occupier; and
 - (b) take reasonable action to inspect the land for a local annoyance or hazard.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the land, inform any occupier of the land—
 - (i) of the reason for entering the land; and
 - (ii) that the authorised person is authorised under this Local Law to enter the land, excluding a home on the land, without the permission of the occupier; and
 - (b) may enter a home that is on the land only with the permission of the occupier of the relevant part of the land.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

22 Removal or reduction of a local annoyance or hazard

- (1) This section applies where, in the reasonable opinion of an authorised person, a local annoyance or hazard exists on land.
- (2) The authorised person may, by compliance notice given to the responsible person for the local annoyance or hazard, require the responsible person to take specified action in relation to the local annoyance or hazard to—
 - (a) remove the local annoyance or hazard; or
 - (b) reduce the level of risk arising from the local annoyance or hazard to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a local annoyance or hazard—

- *Securing objects or materials that may become airborne in periods of high wind.*

(3) In this section—

remove includes repairing or demolishing a structure.

23 Prescribed requirements for a local annoyance or hazard

- (1) The local government may, by Subordinate Local Law, prescribe requirements that must be met by responsible persons relating to specified types of local annoyance or hazards.
- (2) A responsible person must comply with the requirements prescribed under this section.

Maximum penalty for subsection (2)— 50 penalty units.

Part 6 Offences and enforcement

Division 1 What this part is about

24 Overview

This part outlines—

- (a) further offences relating to this Local Law; and
- (b) the enforcement mechanisms that can be utilised by the local government; and
- (c) offence proceedings in the Magistrates Court; and
- (d) defences for offences against this Local Law.

Division 2 Offences

25 Prohibition on feeding wild animals

- (1) A person must not feed a wild animal in a way that causes, or may cause, a relevant nuisance.

Maximum penalty— 50 penalty units.

- (2) Without limiting subsection (1), a person feeds a wild animal in a way that causes, or may cause, a relevant nuisance if feeding the wild animal results in—
 - (a) excessive or unsightly accumulation of wild animal droppings as a direct result of the feeding; or
 - (b) an accumulation of food waste, including seed husks or bread; or
 - (c) offensive odour caused by accumulation of wild animal droppings or food waste; or

- (d) damage to property caused from excessive wild animal droppings or destructive behaviour in the immediate area of where the wild animal is fed.
- (3) A person does not commit an offence under subsection (1) if the person commits an offence under section 333 of the *Nature Conservation (Animals) Regulation 2020*.
- (4) In this section—
 - destructive behaviour** means gnawing or chewing or an action of the wild animal leading to property damage.
 - feed**, in relation to a wild animal—
 - (a) includes—
 - (i) the use of food to entice the wild animal; or
 - (ii) an attempt to provide food to the wild animal; but
 - (b) does not include planting, growing or maintaining a plant which is a source of food for a wild animal.

immediate area means adjoining allotments.

relevant nuisance means a nuisance to an immediate area, or an area in close proximity to, the land on which the wild animal is being fed.

wild animal—

- 1 A wild animal means an animal that—
 - (a) is living in a wild state; and
 - (b) is not being farmed or kept for any other purpose.
- 2 For paragraph 1(b), an animal is being farmed or kept for any other purpose only if it is kept in an escape-proof enclosure, cage or other structure.

26 Providing false or misleading information

A person must not give information in connection with this Local Law (either orally or in a document) that the person reasonably knows or ought to have known is false or misleading.

Maximum penalty— 20 penalty units.

27 Threatening an authorised person

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty— 50 penalty units.

28 Attempts to commit offences

- (1) A person who attempts to commit an offence under this Local Law commits an offence.

Maximum penalty— half the maximum penalty for committing the offence.

- (2) The provisions of the *Criminal Code* (relevant to attempts to commit offences) apply to the attempt.

29 Liability of third parties

- (1) Any person involved in a contravention of this Local Law commits an offence.
Maximum penalty— the penalty for which any person who committed the contravention would be liable.
- (2) For subsection (1), a person involved in a contravention of this Local Law is any person who—
 - (a) has aided, abetted, counselled or procured the contravention; or
 - (b) has induced, whether by a threat or a promise or otherwise, the contravention; or
 - (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
 - (d) has conspired with another person to effect the contravention; or
 - (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

Division 3 Powers of the local government

30 Appointment of authorised persons

The document that appoints an authorised person must state this Local Law, or the provisions of this Local Law, as the Local Law or the provisions for which the person is appointed as an authorised person.

31 Directions generally

- (1) An authorised person may direct a person contravening this Local Law to—
 - (a) cease any conduct or activity which contravenes this Local Law; and
 - (b) take such action determined by the authorised person to ensure that the person does not contravene this Local Law.
- (2) A person must comply with a direction of an authorised person given under subsection (1).
Maximum penalty for subsection (2)— 50 penalty units.

32 Compliance notice for contravention of Local Law

- (1) This section applies if a person contravenes this Local Law.
- (2) An authorised person may give a notice, in writing (*compliance notice*), to—
 - (a) a person who contravenes this Local Law; or
 - (b) any person involved in the contravention of this Local Law under section 29.
- (3) The compliance notice may require a person to—

- (a) stop a contravention, if the contravention is of a continuing or recurring nature; or
 - (b) take reasonable steps necessary to stop or remedy the contravention, by the date and time specified in the compliance notice, whether or not the contravention is of a continuing or recurring nature.
- (4) The compliance notice must state the following—
 - (a) the particular provision of this Local Law the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how the provision of this Local Law is being, or has been, contravened; and
 - (c) the date and time by which the person must stop or remedy the contravention; and
 - (d) the reasonable steps necessary to remedy the contravention or avoid further contravention; and
 - (e) that it is an offence to fail to comply with the compliance notice; and
 - (f) the maximum penalty for failing to comply with the compliance notice.

Examples of reasonable steps to avoid further contravention in paragraph (d)—

 - *The repetition of a specified action at stated intervals for a certain period.*
 - *Stopping taking an action that is prohibited by this Local Law.*
- (5) The date and time under subsection (4)(c) must be reasonable having regard to—
 - (a) the action required to stop or remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the person has been aware of the contravention.
- (6) The compliance notice must include, or be accompanied by, a decision notice.
- (7) A person who is given a compliance notice must comply with the compliance notice.

Maximum penalty for subsection (7)— 50 penalty units.

Note—

a compliance notice may be a remedial notice under the Local Government Act 2009, chapter 5, part 2, division 2.

33 Compliance notice authorised by Local Law

- (1) This section applies if—
 - (a) this Local Law provides that an authorised person may give a compliance notice to a person; and
 - (b) the authorised person gives a notice, in writing, (***compliance notice***) to a person.

- (2) The compliance notice must state the following—
 - (a) the provision of this Local Law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the person must take to comply with the notice; and
 - (c) the date and time by which the person must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The date and time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, a decision notice.
- (6) The recipient must comply with the compliance notice.

Maximum penalty for subsection (6)— 50 penalty units.

Note—

a compliance notice may be a remedial notice under the Local Government Act 2009, chapter 5, part 2, division 2.

34 Local government power to seize and cost recover

- (1) An authorised person may seize, by dismantling if necessary, and impound an item where the item has been brought onto or installed in, on, across, under or over land within the local government area in a manner that contravenes this Local Law, if—
 - (a) in the reasonable opinion of the authorised person, the immediate removal of the item is necessary in the interests of public health or safety or to prevent environmental harm, property damage or loss of amenity; or
 - (b) a person has not complied with a compliance notice requiring the person to remove the item.
- (2) The local government may recover the cost of action taken under this section as a debt from the person responsible for the item seized under subsection (1) being brought onto or installed in, on, across, under or over land within the local government area.

35 Dealing with impounded items

- (1) This section applies where an item has been seized and impounded under section 34 (an *impounded item*).
- (2) If an impounded item is, in the reasonable opinion of an authorised person, perishable or of negligible commercial value, then the local government may immediately dispose of it as the chief executive officer directs.

- (3) If the local government possesses an impounded item, then a person may reclaim that impounded item from the local government by—
 - (a) making a written application to the chief executive officer to reclaim the impounded item; and
 - (b) producing proof, to the satisfaction of the chief executive officer, that the person is the owner of the impounded item; and
 - (c) paying the prescribed fee for the impounding of the impounded item.
- (4) If an impounded item is not reclaimed under subsection (3) within 20 business days of the item being seized and impounded under section 34, that item is forfeited to the local government.
- (5) If an impounded item has been forfeited to the local government under subsection (4), then the local government may dispose of that impounded item—
 - (a) if, in the reasonable opinion of the authorised person, the commercial value of the impounded item is so slight that it would not cover the reasonable cost of seizing, impounding and selling the impounded item— as the chief executive officer directs; or
 - (b) by sale through a public auction; or
 - (c) if the impounded item has been offered for sale under paragraph (b) but has not been sold within a period that, in the reasonable opinion of the authorised person, is reasonable for the sale of that type of item— as the chief executive officer directs.
- (6) Where an impounded item has been sold under this section, the proceeds of the sale must be applied in order—
 - (a) firstly, towards the direct and indirect costs of the sale; and
 - (b) secondly, towards the local government in an amount equivalent to the prescribed fee for the impounding of the impounded item as if it was to be reclaimed under subsection (3); and
 - (c) thirdly, if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cth)— in payment of the amount owing under the security interest; and
 - (d) fourthly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim for the amount to which the former owner of an impounded item that has been sold under this section is entitled to under subsection (6)(d) within 3 months of the date of that entitlement arising, the amount becomes the property of the local government.
- (8) Except where expressly stated, the local government incurs no liability to a person, and no person has any claim for relief or compensation against the local government, in respect of any action taken by the local government under this section or section 34, if the local government has acted in good faith and without negligence.

Division 4 Offence proceedings in the Magistrates Court

36 Enforcement orders

- (1) After hearing proceedings for an offence against this Local Law, a Magistrates Court may make an order (an *enforcement order*) for the defendant to take stated action within a stated period.
- (2) The enforcement order may be in terms the Court considers appropriate to secure compliance with this Local Law.
- (3) An enforcement order must state the period within which the defendant must comply with the order.
- (4) An enforcement order may be made under this section in addition to the imposition of a penalty.

37 Joint and several liability

- (1) Where this Local Law imposes a liability on an owner or occupier of land, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant land, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

Division 5 Defences

38 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of this Local Law, it is a defence to prove that the person had a reasonable excuse for the contravention.

39 Owners and occupiers must ensure compliance with this Local Law

- (1) Except where the owner and occupier of land is the local, State or Commonwealth government, the owner and occupier of the land must ensure that an offence is not committed in or on a land.
- (2) If an offence is committed in or on land, the owner and occupier of the land also commit an offence, namely the offence of failing to ensure that an offence is not committed in or on the land.

Maximum penalty— the penalty for the commission of the offence in or on the land.

- (3) Evidence that an offence has been committed on the land is evidence that the owner and occupier of the land committed the offence of failing to ensure that the offence is not committed in or on the land.
- (4) However, it is a defence for an owner or occupier to prove that—

- (a) the owner or occupier exercised reasonable diligence to ensure that an offence was not committed in or on the land; and
- (b) the offence was committed in or on the land without that person's knowledge or consent.

Part 7 **Reviewing decisions**

40 Application for review

- (1) A person who is given, or is entitled to be given, a decision notice may apply to the local government for a review of the decision (a **review application**).
- (2) The review application must be made within 15 business days of—
 - (a) if the person is given a decision notice— the day the person receives the notice; or
 - (b) If paragraph (a) does not apply— the day the person otherwise becomes aware of the decision.
- (3) The review application must be in writing and accompanied by a statement of the grounds on which the applicant seeks the review of the decision.

41 Review decision

- (1) The local government must review the original decision within 20 business days of receiving a review application and make a decision (the **review decision**) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision unless that person was the chief executive officer.
- (3) The local government must, within 5 business days of the review decision being made, give the applicant notice of the decision (the **review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice to the applicant in accordance with subsection (3), the local government is taken to have made a review decision confirming the original decision.

42 Stay of operation of original decision

A review application does not stay the original decision that is the subject of the application.

Part 8 Administrative provisions

43 Fees

- (1) If this Local Law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the *Local Government Act 2009*, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.
- (3) Unless specific provision to the contrary is made in this Local Law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

44 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for an offence against this Local Law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

45 Subordinate Local Laws

The local government may make Subordinate Local Laws about—

- (a) declaring animals or plants of specified species to be declared local pests under section 8(1); and
- (b) prescribed requirements relating to specified types of local annoyance or hazards under section 23(1); and
- (c) a local annoyance or hazard under the Schedule; and
- (d) repeal and transitional provisions under part 9.

46 Extrinsic material

- (1) The local government may make an explanatory note to assist in the interpretation of this Local Law.
- (2) The local government makes an explanatory note by—
 - (a) passing a resolution to make the explanatory note; and
 - (b) publishing the explanatory note on the local government's website.
- (3) An explanatory note made in accordance with this section is declared to be a relevant document for the purposes of section 14B of the *Acts Interpretation Act 1954* (as modified by section 15 of the *Statutory Instruments Act 1992*).

Note—

Pursuant to part 4, division 1 of the Statutory Instruments Act 1992, the Acts Interpretation Act 1954 (AIA) is modified so that a document declared by a Local Law to be a "relevant document" for the purposes of section 14B of the AIA is extrinsic material which may assist in the interpretation of a provision of this Local Law.

Part 9 Transitional and repeal provisions

47 Local Law repeal

The provisions of *Moreton Bay Regional Council Local Law No. 3 (Community and Environmental Management) 2011* and its Subordinate Local Law are repealed (*repealed Local Law*).

48 Transitional provisions for decisions made under the repealed Local Law

- (1) A decision made under the repealed Local Law that was in force immediately before the commencement, continues in force as if the decision were made under this Local Law.
- (2) In this section—

decision means a decision, declaration, notice and resolution.

Examples—

- *Where an authorised person has issued a reasonable written notice.*
- *Where the local government has, by resolution, emergency declared an animal or plant of the relevant species to be a local pest.*

49 Other transitional provisions

The transitional provisions for decisions made under the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*, as they relate to the repealed Local Law, are set out in the *Commercial Use of Public Land and Roads Local Law 2023*, part 7.

Schedule Dictionary

Section 4

Act—

- (a) has the same meaning as in the *Acts Interpretation Act 1954*, sections 6 and 7; and
- (b) includes a local law made by the local government.

allotment means an individual parcel or piece of land and includes buildings and structures on the individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

authorised person means a person—

- (a) appointed by the chief executive officer as an authorised person under section 202 of the *Local Government Act 2009*; and
- (b) whose instrument of appointment provides that they are an authorised person for this Local Law, or provisions of this Local Law.

building has the same meaning as in the *Building Act 1975*.

chief executive see section 8(4).

chief executive officer means the chief executive officer of the local government.

clean and dry combustible material see section 19(4).

compliance notice means a compliance notice given under (as the context requires)—

- (a) section 32; or
- (b) section 33.

decision means—

- (a) for section 48— see section 48(2); or
- (b) a decision made by an authorised person to give a compliance notice under sections 12, 16, 17, 22 or 32.

decision notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) any relevant details about the decision; and
- (c) the reasons for the decision; and
- (d) that the person to whom the notice is given may apply for a review of the decision within 15 business days after the notice is given; and
- (e) how to apply for a review.

Examples for paragraph (b)—

- *the contravention or circumstances of the contravention of the Local Law.*
- *the date on which the decision takes effect or actions required under the notice must be taken.*

declared local pest means a plant or animal declared to be a pest under section 8(1) or 9(2) of this Local Law.

destructive behaviour see section 25(4).

effective fireplace, firepit or brazier see section 19(4).

enforcement order see section 36(1).

environmental harm has the same meaning as in the *Environmental Protection Act 1994*.

feed see section 25(4).

fire hazard see section 19(4).

immediate area see section 25(4).

impounded item see section 35(1).

introduce see section 14(3).

item means any material thing, including a building or structure or vehicle, other than an animal.

land—

- (a) has the same meaning as in the Planning Act; and
- (b) includes land occupied by water.

local annoyance or hazard means—

- (a) a structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) a structure on land that has been allowed to deteriorate to such an extent that it adversely affects the amenity of the area; or
- (c) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (d) objects or materials on an allotment that are likely to be carried by the flow of water or stormwater, onto public land, creating litter or causing a significant risk of injury to a person or damage to property, or adversely effect the amenity of the area; or
- (e) an action or thing that is declared to be a local annoyance or hazard under a Subordinate Local Law for this paragraph.

Example of paragraph (e)—

- *An unfenced dam adjacent to a public park or reserve.*

local government means Moreton Bay City Council.

Local Government Act has the same meaning as in the *Local Government Act 2009*.

local government area means the local government area of the local government under the *Local Government Act 2009*, including an area taken to be part of a local government area under a Local Government Act.

Examples of areas taken to be part of a local government area—

- *Bathing reserve.*
- *Foreshore.*

Local Law includes any Subordinate Local Laws made under this Local Law.

maintain a fire includes feed, control and supervise a fire.

occupier, of an allotment, land, private land or property, means—

- (a) the person who occupies, or has the control or management of, or is apparently in charge of, the allotment, land, private land or property; and
- (b) the person who has a lease, licence, permission, approval, right or authority to occupy the allotment, land, private land or property including under an Act.

organic matter means matter that comes from plants, animals and microorganisms including leaves, woody material, weeds, decaying components of animals, and algae.

original decision means a decision the subject of a review application under section 40.

owner of property, land, allotment or private land, means the person for the time being entitled to receive the rent for the property, land, allotment, private land or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

person includes an individual, a corporation, a joint venture and partnership.

Planning Act means the *Planning Act 2016*.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

prescribed fee means a fee fixed by the local government under section 43 or under the *Local Government Act 2009*, section 97.

private land means land that is not—

- (a) public land; or
- (b) a road; or
- (c) a State-controlled road.

property has the same meaning as in the *Acts Interpretation Act 1954*.

public land means the whole or part of any land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of public land—

- *Parks, reserves and gazetted foreshores.*
- *Camping grounds or caravan parks on land owned or controlled by the local government.*
- *Local government swimming pools.*
- *Local government cemeteries.*
- *Council chambers and local government offices.*
- *Local government buildings and structures.*

- *Jetties.*
- *Canals.*

public notice means a notice that is published in a newspaper that is circulating generally in the local government area or on the local government’s website.

reasonable written notice means a written notice given at least 7 days before land is to be entered, that informs the owner and the occupier of the land of—

- (a) the local government’s intention to enter the land; and
- (b) the reason for entering the land; and
- (c) the date and time when the land is to be entered.

relevant nuisance see section 25(4).

remove see section 22(3).

repealed Local Law see section 47.

responsible person means the person who has control or management of the land and includes a person in charge of activities or structures on the land that may result in contravention of this Local Law.

review application see section 40(1).

review decision see section 41(1).

review notice see section 41(3).

road has the same meaning as in the *Local Government Act 2009* at subsections 59(2) and 59(3).

State-controlled road has the meaning as in the *Transport Infrastructure Act 1994*.

structure—

- (a) has the same meaning as in the *Local Government Act 2009*; and
- (b) includes a structure as defined in the *Building Act 1975*.

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law of the State or Commonwealth or under the local government’s planning scheme.

wild animal see section 25(4).