



**Moreton Bay City Council**

**Amendment Local Law No.  
1 (Moreton Bay Regional  
Council Local Law No. 8  
(Election Signs) 2019) 2023**

**Explanatory Notes**

2023 | Version 1.0



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# Short title

This Amendment Local Law may be cited as the *Amendment Local Law No. 1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023*.

## Reference to laws

This Amendment Local Law amends the *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019 (Election Signs Local Law)*.

## What is this Amendment Local Law trying to achieve and why?

This Amendment Local Law is required to amend the Election Signs Local Law so it can be applied to State-controlled roads within the local government area for certain matters under sections 66 of the *Transport Operations (Road Use Management) Act 1995 (TORUM Act)*. This Amendment Local Law is intended to reflect the written agreement of the chief executive of the Department of Transport and Main Roads pursuant to section 66(5)(b) of the TORUM Act.

This Amendment Local Law amends the Election Signs Local Law by:

- Amending existing definitions or inserting new definitions;
- Inserting a Schedule of State-controlled roads to which the Election Signs Local Law applies; and
- Amending the short title of the Election Signs Local Law.

# Plain English explanations of key sections of the Amendment Local Law

## Part 1 - Preliminary

### Section 1 - Short title

This section establishes the short title of this Amendment Local Law.

### Section 2 - Local Laws amended

This section provides that this Amendment Local Law amends the Election Signs Local Law.

### Section 3 - Object

This section provides the scope and context for the provisions of this Amendment Local Law (the **object**). The provisions of this Amendment Local Law must be consistent with the object, which is to amend the Election Signs Local Law to apply to State-controlled roads within the local government area.

## Part 2 - Amendment of Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019

### Section 4 - Local Law amended

This section states that part 2 amends the Election Signs Local Law.

### Section 5 - Short title

This section establishes the new title of the Election Signs Local Law.

### Section 6 - Amendment of Schedule (Dictionary)

This section amends the definition of **road** by including paragraph (b), which has the effect of extending the application of certain sections of the Election Signs Local Law to State-controlled roads. A **State-controlled road** is then defined to mean a road listed in columns 1 to 4 of table 1 in Schedule 2 in relation to those specific matters outlined in column 5 of table 1 in Schedule 2. The matters in column 5 specifically refer to matters in section 66(3) of the TORUM Act that are relevant to the operation of the Election Signs Local Law.

The sections of the Election Signs Local Law that are affected by the amendment of the definition of **road** are those sections that apply to **public land**, a **clear zone**, and a **nature strip** because of the way those

defined terms rely on the definition of **road**. See specifically sections 14, 16, 17, 20, 24 and 25 of the Election Signs Local Law.

Section 6 also amends the definition of **local government area** to explicitly include State-controlled roads. This puts beyond doubt that any section of the Election Signs Local Law that applies specifically to the **local government area**, also applies to State-controlled roads

A definition for **Local Government Act** has been included as the term is used in the amended definition of **local government area**. The definition of **local government** has also been amended to refer to Moreton Bay City Council, following the name change of the Council from Moreton Bay Regional Council.

## **Section 7- Insertion of new Schedule 2 (State-controlled roads to which this Local Law applies)**

This section inserts a new Schedule 2 relevant to State-controlled roads. Schedule 2, Table 1 is relevant to the amended paragraph (b) of the definition of **road** and the amended definition of **local government area**. Schedule 2 is intended to reflect the agreement which the Council has with the Department of Transport and Main Roads under section 66(5) of the TORUM Act regarding the matters which the Council is permitted to regulate on specified State-controlled roads in the local government area. A reference to a column below is a reference to that column in Schedule 2, Table 1. Broadly:

- Columns 1 to 4 lists each of the State-controlled roads in the local government area on which the matters listed in column 5 are regulated (including the specific sections of the road and where the section begins and ends); and
- Column 5 lists each of the matters which are regulated by the Election Signs Local Law and which Council is permitted to regulate on the State-controlled roads listed in columns 1 to 4.

# Is this law consistent with fundamental legislative principles?

The Amendment Local Law is generally consistent with fundamental legislative principles.

# Is this law consistent with Human Rights?

The Amendment Local Law is generally compatible with the *Human Rights Act 2019*.

