



Events

Local Law 2023

Moreton Bay City Council

Events Local Law 2023

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Moreton Bay City Council Events Local Law 2023

Part 1 Preliminary

Division 1 Introductory provisions

1 Short title

This Local Law may be cited as the *Events Local Law 2023*.

Division 2 Objects and achievement of Local Law

2 Objects

The objects of this Local Law are to—

- (a) facilitate and encourage events and small gatherings; and
- (b) ensure that events are properly operated and comply with appropriate standards to ensure public health and safety; and
- (c) minimise impacts of events and small gatherings on the environment and amenity.

3 How objects of Local Law are to be achieved

The objects of this Local Law are to be achieved by—

- (a) providing for a risk-based process for the local government to assess, approve and regulate low-risk, medium-risk and high-risk events; and
- (b) providing mechanisms for enforcement where there is non-compliance with conditions of an approval or provisions of this Local Law.

Division 3 Interpretation

Subdivision 1 Dictionary

4 Definitions

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

Subdivision 2 Key concepts

5 Event

An *event* means a temporary event, other than a small gathering, that is—

- (a) on public land or road; or
- (b) on private land and open to the public.

6 Small gathering

(1) A *small gathering* means a gathering that is not for a commercial purpose and—

- (a) has no greater than 50 people in attendance at any given time; and
- (b) if the gathering is on public land or road— only permitted structures are used; and
- (c) no amusement devices or amusement rides are used; and
- (d) vehicle access on to public land, other than public carparks, is not required; and
- (e) access to the local government’s electricity or water supply is not required; and
- (f) if the gathering is on public land or road— is not a wedding; and
- (g) is not a market; and
- (h) does not involve the sale or supply of liquor.

Examples of amusement devices or amusement rides for paragraph (c)—

- *Jumping castle.*
- *Inflatable or collapsible slide.*
- *Ferris wheel.*

(2) In this section—

commercial purpose does not include a gathering organised and operated by an incorporated not-for-profit entity for the purpose of fundraising.

permitted structures means up to 2 marquees where each marquee—

- (a) does not exceed 3m by 6m in size; and
- (b) is weighted to manufacturer's instructions; and
- (c) is not pegged or staked into the ground.

7 Event operator

An *event operator* means the person or entity responsible for the organisation and operation of an event.

Division 4 Operation of Local Law

8 Relationship with other Acts

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

- (a) any other laws that may regulate events or the operation of an event including a law about—
 - (i) the use or development of land and road; or
 - (ii) buildings and other structures; or
 - (iii) public health and safety; or
 - (iv) work health and safety; or
 - (v) maritime safety; or
 - (vi) environmental management and protection; or
 - (vii) food and liquor safety and licensing; or
 - (viii) fireworks, pyrotechnics and other explosives; or
 - (ix) emergency services; or
 - (x) peaceful assembly; or
- (b) any provision of the *Local Government Act 2009*.

Part 2 Event Screening Framework

Division 1 What this part is about

9 Overview

This part describes—

- (a) the requirement for the local government to establish a framework for screening events; and
- (b) what the framework for screening events can regulate.

Division 2 Event Screening Framework

10 Event Screening Framework

- (1) The local government must, by resolution, establish a framework for screening events (*event screening framework*).
- (2) The event screening framework may—
 - (a) establish low-risk, medium-risk and high-risk categories for factors of an event or activities occurring as part of an event; and
 - (b) establish criteria for determining whether an event is low-risk, medium-risk or high-risk (*impact criteria*); and
 - (c) establish separate application requirements and processes for low-risk, medium-risk and high-risk events; and
 - (d) specify the documents and information which may or must accompany an application to operate an event; and
 - (e) specify conditions which may be imposed on an event or event approval, or on a category of event or approval, based on the level of risk.
- (3) For subsection (2)(b), any impact criteria must relate to—
 - (a) the nature and purpose of the event; or
 - (b) the size and scale of the event; or
 - (c) the location of the event; or
 - (d) public health and safety; or
 - (e) road and parking management and safety; or
 - (f) likely visual, aural and amenity impacts; or
 - (g) environmental impacts; or
 - (h) availability and suitability of site infrastructure.
- (4) The local government must make the event screening framework available to the public.

Part 3 Approvals

Division 1 What this part is about

11 Overview

This part details—

- (a) the circumstances in which an approval is required to operate an event; and
- (b) the process for obtaining an approval to operate an event under this Local Law.

Division 2 Approvals

Subdivision 1 Application process

12 Need for approval

- (1) Subject to subsection (2), an event operator must obtain an approval under this subdivision to operate an event (*approval*).
- (2) An event operator is not required to obtain approval under subsection (1) if—
 - (a) the event is on private land and constitutes development; or
 - (b) the event is a special event on a road and does not involve the use of any public land; or
 - (c) the event is an authorised public assembly under the *Peaceful Assembly Act 1992*.
- (3) In this section—

special event has the same meaning as in the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*.

13 Making an application

- (1) Prior to making an application for an approval under part 3 (*application*), the event operator must screen their event in accordance with the event screening framework.
- (2) An application must be—
 - (a) made in the form prescribed by the local government; and
 - (b) accompanied by—
 - (i) the documents required by the prescribed form; and

- (ii) the prescribed fee for the application.
- (3) If the application relates to an event on private land, the application must be accompanied by the written consent of the owner of the place, if the applicant is not the owner.
- (4) If an event operator has complied with subsection (1), the local government—
 - (a) must accept an application that the local government is satisfied complies with subsections (2) and (3); and
 - (b) must not accept an application unless the local government is satisfied the application complies with subsection (3); and
 - (c) may accept an application that the local government is satisfied does not comply with subsection (2); and
 - (d) may accept an application that covers more than one event.
- (5) An application that complies with subsections (1) to (3), or that the local government accepts under subsections (4)(c) or (4)(d), is a properly made application (*properly made application*).
- (6) The local government may prescribe forms for this Local Law.

Subdivision 2 Timeframes for deciding applications

14 Timeframe for deciding applications when no further information is needed

- (1) This section applies if the local government—
 - (a) receives a properly made application; and
 - (b) does not require any further information in relation to the application.
- (2) The local government must decide the application within 40 business days of receiving it, or a further period agreed with the applicant.

15 Timeframe for deciding applications when further information is needed

- (1) This section applies if the local government—
 - (a) receives a properly made application; and
 - (b) requires further information in relation to the application.
- (2) The local government may make an information request to the applicant within 30 business days of receiving an application, or a further period agreed with the applicant.
- (3) An applicant must respond to an information request within 5 business days of receiving it, or a further period agreed with the local government (*information request response period*).
- (4) The local government must decide the application within 21 business days of the earlier of—

- (a) an information request response being received; or
 - (b) the information request response period ending.
- (5) In this section—

information request means a notice to the applicant, requiring them to provide further information or documents in relation to the properly made application.

information request response means a response to an information request.

16 Timeframe for dealing with applications that are not properly made

If the local government receives an application which is not a properly made application, the local government must—

- (a) provide the applicant with written notice to that effect within 21 business days of receiving the application, or a further period agreed with the applicant; and
- (b) take no further action in relation to the application.

Subdivision 3 Deciding an application

17 Deciding an application

- (1) The local government must, after carrying out an assessment of a properly made application, decide to—
 - (a) approve the application; or
 - (b) approve the application, but impose conditions on the approval; or
 - (c) refuse the application.
- (2) The local government may refuse an application under subsection (1)(c) if it considers that approving the application would be inconsistent with the objects of this Local Law.
- (3) The local government may approve an application under subsection (1)(a) or (1)(b) to allow the operation of more than one event.
- (4) For a decision made under subsection (1), the local government must give a decision notice to the applicant.

18 Effect of failure to decide application on time

The local government is taken to have refused an application if the local government fails to decide a properly made application in accordance with—

- (a) section 14(2); or
- (b) section 15(4).

19 Third-party certification

(1) In deciding an application under this part, the local government may accept the certificate of a third-party certifier as evidence about any application requirement that is mentioned in a Subordinate Local Law for this subsection.

(2) In this section—

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for an approval under this Local Law.

third-party certifier means—

- (a) an individual or organisation declared under a Subordinate Local Law for this paragraph as a third-party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a Subordinate Local Law for this paragraph as necessary to provide a certificate about particular application requirements.

20 Permitted conditions

Any condition imposed on an approval must relate to the objects of this Local Law.

21 Term of approval

An approval is valid for the term specified in the approval.

Subdivision 4 Administering approvals

22 Definitions for this subdivision

In this subdivision—

show cause notice means a written notice stating—

- (a) the proposed action; and
- (b) the grounds for the proposed action; and
- (c) an outline of the facts and circumstances that are the basis of the grounds; and
- (d) if the proposed action is suspension of the approval the proposed suspension period; and
- (e) that the approval holder may make written submissions within the stated reasonable time as to why the proposed action should not be taken.

23 Renewal and transfer of approval

- (1) Subject to subsections (4) and (5), an approval holder may, before the end of the term of the approval granted under section 17 (the *existing approval*), apply to the local government to transfer the approval (*transfer application*) or renew the approval (*renewal application*).
- (2) An application under this section must be—
 - (a) made in the form prescribed by the local government; and
 - (b) accompanied by—
 - (i) the documents required by the prescribed form; and
 - (ii) the documents required by the prescribed form; and
 - (iii) the prescribed fee for the application.
- (3) For a transfer application, the approval holder must apply together with the person to whom the approval is proposed to be transferred (*proposed transferee*).
- (4) An approval holder may not apply to renew an existing approval where the local government has given the approval holder written notice that the existing approval is not renewable.
- (5) An approval holder may not apply to transfer an existing approval where the local government has given the approval holder written notice that the existing approval is not transferable.
- (6) For a renewal application, the local government may determine the term of the renewal.
- (7) Subdivision 2 applies to a renewal application or a transfer application as if it were a properly made application.
- (8) The local government must, after carrying out an assessment of a renewal application or transfer application, decide to—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the existing approval; or
 - (c) refuse the application.
- (9) In deciding a renewal application or a transfer application under subsection (8), the local government may have regard to—
 - (a) the objects of this Local Law; and
 - (b) if the application is a renewal application— whether the conditions of the existing approval have been or are being complied with by the applicant.
- (10) For a decision made under subsection (8), the local government must give a decision notice to—

- (a) for a renewal application— the applicant; or
 - (b) for a transfer application— the applicant and proposed transferee.
- (11) The local government may amend the conditions of the existing approval under subsection (8)(b) without following the procedure in section 25.
- (12) If an approval holder makes a renewal application, the existing approval remains in force until—
- (a) if the renewal application is granted, with or without amendment of the conditions— the date the renewal application is granted; or
 - (b) if the renewal application is refused—
 - (i) and the applicant applies for a review of the decision under part 5— the date the applicant is given notice of the review decision; or
 - (ii) and the applicant has not applied for a review of the decision under part 5— 15 business days after the applicant is given a decision notice under subsection (10).

24 Approval holder may apply to amend conditions

- (1) An approval holder may apply to the local government to amend the conditions of the approval (*amendment application*).
- (2) An amendment application must be—
- (a) made in the form prescribed by the local government; and
 - (b) accompanied by—
 - (i) the documents required by the prescribed form; and
 - (ii) a statement of the proposed amendment and reasons for it; and
 - (iii) the prescribed fee.
- (3) Sections 14 and 15 apply to an amendment application as if it were a properly made application.
- (4) The local government must, after carrying out an assessment of an amendment application, decide to—
- (a) grant the application; or
 - (b) refuse the application.
- (5) In deciding an amendment application under subsection (4), the local government may have regard to—
- (a) the objects of this Local Law; and
 - (b) whether the conditions of the existing approval have been or are being complied with by the applicant.

- (6) For a decision made under subsection (4), the local government must give a decision notice to the applicant.
- (7) The local government may amend the conditions of the approval under this section without following the procedure in section 25.

25 Local government may amend, suspend or cancel approval

- (1) This section applies if the local government is satisfied that one of the following grounds for amending, suspending or cancelling an approval exists—
 - (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or public land; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic; or
 - (vii) for the protection of animals; or
 - (b) another approval required for the event under an Act has been suspended or cancelled; or
 - (c) in operating the event, the approval holder has failed to comply with an Act; or
 - (d) the approval holder has failed to comply with a condition of the approval; or
 - (e) the approval holder has failed to comply with—
 - (i) a direction under section 35; or
 - (ii) a compliance notice; or
 - (iii) a stop order; or
 - (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.
- (2) Before taking action to amend, suspend or cancel an approval (***proposed action***), the local government must give the approval holder a show cause notice.
- (3) If a show cause notice is issued, the approval holder may, within a stated reasonable time of at least 15 business days after the notice is given (***stated reasonable time***), make written submissions to the local government as to why the proposed action should not be taken.

- (4) Notwithstanding subsection (3), where the approval holder consents or agrees to the proposed action, they may waive their right to provide written submissions within the stated reasonable time.
- (5) The local government must consider all submissions made in accordance with subsection (3).
- (6) If the local government decides that—
 - (a) a ground under subsection (1) no longer exists to take the proposed action, the local government must take no further action in respect of the show cause notice; or
 - (b) a ground exists to take the proposed action, the local government may—
 - (i) if the proposed action was to amend the approval— amend the approval; or
 - (ii) if the proposed action was to suspend the approval— suspend the approval for no longer than the period stated in the notice; or
 - (iii) if the proposed action was to cancel the approval— amend the approval, suspend it for a period or cancel it.
- (7) For any decision made under subsection (6), the local government must give a decision notice to the approval holder.
- (8) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

26 Procedure for immediate suspension of approval

- (1) Despite section 25, the local government may immediately suspend an approval if the local government believes that the continued operation of an event by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity; or
 - (c) a serious obstruction to urgent works on roads or public land; or
 - (d) a serious obstruction to road access; or
 - (e) a serious or urgent threat to the safety of vehicle or pedestrian traffic; or
 - (f) an urgent and serious threat to animal welfare.
- (2) The local government must give a notice to the approval holder about the decision to immediately suspend the approval (*suspension notice*), together with a show cause notice about the proposed action under section 25.

- (3) The suspension operates immediately upon the notices in subsection (2) being given to the approval holder.
- (4) The suspension continues to operate until the earliest of the following occurs—
 - (a) the local government cancels the suspension; or
 - (b) the local government gives the approval holder a decision notice under section 25(7) for a decision made under section 25(6); or
 - (c) 15 business days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice; or
 - (d) 15 business days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 4 Offences and enforcement

Division 1 What this part is about

27 Overview

This part outlines—

- (a) 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

28 Operating an event without approval

- (1) A person must not operate an event without an approval.

Maximum penalty— 50 penalty units.

- (2) A person does not commit an offence under subsection (1) if the person is not required to obtain an approval under section 12.

29 Failure to comply with conditions of approval

A person must not contravene an approval.

Maximum penalty— 50 penalty units.

30 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.

31 Threatening an authorised person

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

Maximum penalty— 50 penalty units.

32 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.

33 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

34 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.

35 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.

36 Production of records

- (1) This section applies where an authorised person has entered a property under the *Local Government Act 2009* to find out whether the conditions of an approval have been complied with.
- (2) The authorised person may require the occupier of the property or another relevant person to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty— 10 penalty units.

- (4) In this section—

occupier of the property includes a person who reasonably appears to be the occupier of, or in charge of, the property.

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

37 Power to request further and updated information

- (1) During the term of an approval, the local government may give the approval holder a notice requiring the approval holder to provide further or updated information in relation to their event.
- (2) If the approval holder fails to provide the information required under subsection (1) within the period stated in the notice, the local government may amend, suspend or cancel the approval in accordance with section 25.

38 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 33.
- (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 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 (5)(c) must be reasonable having regard to—
 - (a) the action required to 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.

39 Stop orders

- (1) This section applies if a relevant person is operating—
- (a) an event; or
 - (b) a small gathering.
- (2) An authorised person may give a relevant person an order to immediately stop the activity, if the authorised person believes that the continuation of the activity causes, exacerbates or impedes the local government’s ability to respond to—
- (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity; or
 - (c) a serious obstruction to urgent works on roads or public land; or
 - (d) a serious obstruction of access to a road; or
 - (e) a serious or urgent threat to the safety of vehicle or pedestrian traffic; or
 - (f) an urgent and serious threat to animal welfare.
- (3) An order under this section—
- (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 5 business days, specified by the authorised person when the order is given; or
 - (ii) where there is an approval— the local government immediately suspends the approval under section 26.
- (4) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (5) A person who receives an order under this section must comply with the order.
- Maximum penalty for subsection (5)— 50 penalty units.
- (6) This section does not affect the local government’s powers under another law.

40 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 or road 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 or road within the local government area.

41 Dealing with impounded items

- (1) This section applies where an item has been seized and impounded under section 40 (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 40, 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 40, if the local government has acted in good faith and without negligence.

42 Local government power to reinstate site and cost recover

- (1) This section applies where—
 - (a) an event takes place on public land or road (the *site*); and
 - (b) the operation of the event has caused damage to the site or any public infrastructure on the site.
- (2) The relevant person must—
 - (a) immediately take all reasonable steps to make the site safe and maintain it in a safe condition; and
 - (b) report the damage to the local government.
- (3) The local government may—
 - (a) require the relevant person to rectify the site at the relevant person's expense to the satisfaction of the local government; or
 - (b) carry out reinstatement works reasonably required to return the site to its original state.

- (4) The local government may recover costs reasonably incurred for the reinstatement works, as a debt from the relevant person.
- (5) If the local government seeks to recover the cost as a debt under subsection (4), then the local government must give the relevant person notice of the amount of the debt.
- (6) In this section—
original state means the condition the site was in prior to the relevant person commencing use of the site in accordance with the approval.

Division 4 Offence proceedings in Magistrates Court

43 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.

44 Joint and several liability

- (1) Where this Local Law imposes a liability on an owner or occupier of a place, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant place, 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

45 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.

46 Owners and occupiers must ensure compliance with this Local Law

- (1) Except where the owner and occupier of a place is the local, State or Commonwealth government, the owner and occupier of the place must ensure that an offence is not committed in or on a place.

- (2) If an offence is committed in or on a place, the owner and occupier of the place also commits an offence, namely the offence of failing to ensure that an offence is not committed in or on the place.

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

- (3) Evidence that an offence has been committed on a place is evidence that the owner and occupier of the place committed the offence of failing to ensure that the offence is not committed in or on the place.
- (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 place; and
 - (b) the offence was committed in or on the place without that person's knowledge or consent.

Part 5 Reviewing decisions

47 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.

48 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.

49 Stay of original decision

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

Part 6 Administrative provisions

50 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.

51 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.

52 Subordinate Local Laws

The local government may make Subordinate Local Laws about—

- (a) any application requirement for which a third-party certifier's certificate may be accepted by the local government under section 19(1); and
- (b) declaring an individual or organisation as a third-party certifier for particular application requirements under section 19(2)(a); and
- (c) prescribing qualifications necessary for an individual or organisation to provide a certificate about particular application requirements under section 19(2)(b).

53 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.

54 Transitional provisions

The transitional provisions for decisions made under the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* relating to the operation of temporary entertainment events and the holding of public place activities 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.

agent includes a contractor, assistant, driver and any other person aiding the person operating an event for which an approval has been issued under this Local Law.

amend, for an approval, includes varying a condition, removing a condition or adding a condition.

amendment application see section 24(1).

animal includes a mammal, fish, bird, reptile, amphibian or insect.

application see section 13(1).

application requirement, for third-party certification, see section 19(2).

approval see section 12(1).

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 officer means the chief executive officer of the local government.

commercial purpose see section 6(2).

compliance notice means a compliance notice given under section 38.

decision means—

- (a) a decision made by the local government under sections 17, 23, 24 or 25; or
- (b) a decision made by an authorised person to give a compliance notice under section 38.

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)—

- *Conditions on an approval.*
- *The date on which the decision takes effect or actions required under the notice must be taken.*

development has the same meaning as in the *Planning Act 2016*.

enforcement order see section 43(1).

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

event see section 5.

existing approval see section 23(1).

event operator see section 7.

event screening framework see section 10(1).

impact criteria see section 10(2)(b).

impounded item see section 41(1).

information request see section 15(5).

information request response see section 15(5).

information request response period see section 15(3).

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

land—

- has the same meaning as in the *Planning Act 2016*, Schedule 2; and
- includes land occupied by water.

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 reserves.*
- *Foreshore.*

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

occupier, of a place, means—

- the person who occupies, or has the control or management of, or is apparently in charge of, the place; and
- includes a person who has a lease, licence, permission, approval, right or authority to occupy the place, including under an Act.

occupier of the property see section 36(4).

original decision means a decision the subject of a review application under section 47.

original state see section 42(6).

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

permitted structures see section 6(2).

place means any road, land, property, building, vehicle, boat or structure and includes any part of a place.

prescribed fee means a fee fixed by the local government under section 50 or under the *Local Government Act 2009*, section 97.

prescribed form means a document which the local government makes available at its administration centres or on its website for the purpose of making an application, an amendment application, a transfer application, or a renewal application.

private land means land that is not—

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

properly made application see section 13(5).

property—

- (a) for section 36— see section 36(4); or
- (b) otherwise, has the same meaning as in the *Acts Interpretation Act 1954*.

proposed action see section 25(2).

proposed transferee see section 23(3).

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.*
- *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.

relevant person—

- (a) for section 39, means—
 - (i) the approval holder for the event, or an employee or agent of the approval holder, currently operating an event; or
 - (ii) the person responsible for the operation of a small gathering; or
- (b) otherwise means the approval holder for the event or an employee or agent of the approval holder, currently operating the event.

renewal application see section 23(1).

review application see section 47(1).

review decision see section 48(1).

review notice see section 48(3).

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

show cause notice see section 22.

small gathering see section 6(1).

special event see section 12(3).

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

stated reasonable time see section 25(3).

stop order means an order given under section 39.

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*.

suspension notice see section 26(2).

the site see section 42(1).

third-party certifier see section 19(2).

transfer application see section 23(1).

vehicle has the same meaning as in the *Transport Operations (Road Use Management) Act 1995*.