



**Parking**  
**Local Law 2023**

# Moreton Bay City Council

## Parking Local Law 2023

### Contents

|                      | Page                                                           |
|----------------------|----------------------------------------------------------------|
| <b>Part 1</b>        | <b>Preliminary</b>                                             |
| <b>Division 1</b>    | <b>Introductory provisions</b>                                 |
| 1                    | Short title ..... 5                                            |
| <b>Division 2</b>    | <b>Object and achievement of Local Law</b>                     |
| 2                    | Object ..... 5                                                 |
| 3                    | How object of Local Law is to be achieved ..... 5              |
| <b>Division 3</b>    | <b>Interpretation</b>                                          |
| <b>Subdivision 1</b> | <b>Dictionary</b>                                              |
| 4                    | Definitions ..... 5                                            |
| <b>Subdivision 2</b> | <b>Key concepts</b>                                            |
| 5                    | Parking approval ..... 6                                       |
| 6                    | Parking permit ..... 6                                         |
| 7                    | Commercial vehicle identification label ..... 6                |
| <b>Division 4</b>    | <b>Operation of Local Law</b>                                  |
| 8                    | Relationship with other Acts ..... 6                           |
| <b>Part 2</b>        | <b>Parking approvals</b>                                       |
| <b>Division 1</b>    | <b>What this part is about</b>                                 |
| 9                    | Overview ..... 6                                               |
| <b>Division 2</b>    | <b>Approvals</b>                                               |
| Subdivision 1        | Parking approvals ..... 7                                      |
| 10                   | Local government may issue parking approvals ..... 7           |
| 11                   | Parking a vehicle contrary to an official traffic sign ..... 7 |

|                      |                                                                                |    |
|----------------------|--------------------------------------------------------------------------------|----|
| <b>Subdivision 2</b> | <b>Application process</b>                                                     |    |
| 12                   | Making an application .....                                                    | 8  |
| <b>Subdivision 3</b> | <b>Timeframes for deciding applications</b>                                    |    |
| 13                   | Timeframe for deciding applications when no further information is needed..... | 8  |
| 14                   | Timeframe for deciding applications when further information is needed.....    | 8  |
| 15                   | Timeframe for dealing with applications that are not properly made ...         | 9  |
| <b>Subdivision 4</b> | <b>Deciding an application</b>                                                 |    |
| 16                   | Deciding an application .....                                                  | 9  |
| 17                   | Effect of failure to decide application on time.....                           | 9  |
| 18                   | Third-party certification .....                                                | 10 |
| 19                   | Permitted conditions .....                                                     | 10 |
| 20                   | Term of approval .....                                                         | 10 |
| <b>Subdivision 5</b> | <b>Administering approvals</b>                                                 |    |
| 21                   | Definitions for this subdivision.....                                          | 10 |
| 22                   | Renewal and transfer of approval .....                                         | 10 |
| 23                   | Approval holder may apply to amend conditions.....                             | 10 |
| 24                   | Local government may amend, suspend or cancel approval .....                   | 11 |
| 25                   | Procedure for immediate suspension of approval .....                           | 12 |
| <b>Part 3</b>        | <b>Regulation of parking</b>                                                   |    |
| <b>Division 1</b>    | <b>Declaration of parking areas</b>                                            |    |
| 26                   | Declaration of traffic areas .....                                             | 13 |
| 27                   | Declaration of off-street regulated parking areas .....                        | 13 |
| <b>Division 2</b>    | <b>Restrictions on parking in certain circumstances</b>                        |    |
| 28                   | Parking on road verges.....                                                    | 14 |
| <b>Part 4</b>        | <b>Offences and enforcement</b>                                                |    |
| <b>Division 1</b>    | <b>What this part is about</b>                                                 |    |
| 29                   | Overview .....                                                                 | 14 |

|                   |                                                                    |    |
|-------------------|--------------------------------------------------------------------|----|
| <b>Division 2</b> | <b>Offences</b>                                                    |    |
| 30                | Failure to comply with requirements for parking on road verge..... | 14 |
| 31                | Providing false or misleading information.....                     | 14 |
| 32                | Threatening an authorised person .....                             | 14 |
| 33                | Attempts to commit offences.....                                   | 15 |
| 34                | Liability of third parties .....                                   | 15 |
| <b>Division 3</b> | <b>Powers of the local government</b>                              |    |
| 35                | Appointment of authorised persons .....                            | 15 |
| 36                | Directions generally .....                                         | 15 |
| 37                | Compliance notice for contravention of Local Law.....              | 15 |
| <b>Division 4</b> | <b>Offence proceedings in Magistrates Court</b>                    |    |
| 38                | Enforcement orders .....                                           | 16 |
| 39                | Joint and several liability .....                                  | 17 |
| <b>Division 5</b> | <b>Defences</b>                                                    |    |
| 40                | Defence of reasonable excuse .....                                 | 17 |
| <b>Part 5</b>     | <b>Minor traffic offence infringement notice penalties</b>         |    |
| 41                | Minor traffic offence infringement notice penalties .....          | 17 |
| <b>Part 6</b>     | <b>Reviewing decisions</b>                                         |    |
| 42                | Application for review.....                                        | 17 |
| 43                | Review decision.....                                               | 17 |
| 44                | Stay of operation of original decision .....                       | 18 |
| <b>Part 7</b>     | <b>Administrative provisions</b>                                   |    |
| 45                | Fees .....                                                         | 18 |
| 46                | Rewards .....                                                      | 18 |
| 47                | Subordinate Local Laws.....                                        | 18 |
| 48                | Extrinsic material .....                                           | 19 |
| <b>Part 8</b>     | <b>Repeal and transitional provisions</b>                          |    |
| 49                | Local Law repeal.....                                              | 19 |

|                   |                                                                     |           |
|-------------------|---------------------------------------------------------------------|-----------|
| 50                | Transitional provisions .....                                       | 20        |
| <b>Schedule 1</b> | <b>Dictionary .....</b>                                             | <b>21</b> |
| <b>Schedule 2</b> | <b>State-controlled roads to which this Local Law applies .....</b> | <b>25</b> |

# Moreton Bay City Council

## Parking Local Law 2023

### Part 1 Preliminary

#### Division 1 Introductory provisions

##### 1 Short title

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

#### Division 2 Object and achievement of Local Law

##### 2 Object

The object of this Local Law is to regulate parking on roads, road verges, traffic areas and off-street regulated parking areas within the local government area to—

- (a) complement chapter 5, part 6 of the TORUM Act; and
- (b) minimise risks to public safety; and
- (c) minimise risks to road safety; and
- (d) minimise risk to public infrastructure; and
- (e) protect the visual and public amenity of 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—

- (a) providing a framework to grant a parking approval; and
- (b) providing for the establishment of traffic areas and off-street regulated parking areas; and
- (c) prescribing infringement notice penalties for minor traffic offences; and
- (d) providing for conditions to be imposed on the parking of vehicles on road verges, where this parking is permitted by an official traffic sign.

#### Division 3 Interpretation

##### Subdivision 1 Dictionary

##### 4 Definitions

The dictionary in Schedule 1 defines particular words used in this Local Law.

## **Subdivision 2     Key concepts**

### **5     Parking approval**

*parking approval* means either—

- (a)     an approval to park a vehicle contrary to an indication on an official traffic sign regulating parking by time or payment of a fee; or
- (b)     an approval for a commercial vehicle identification label.

### **6     Parking permit**

*parking permit* means a permit issued by the local government to a person who has a parking approval of the type specified in section 5(a).

### **7     Commercial vehicle identification label**

*commercial vehicle identification label* means a label of the type depicted in the MUTCD as a commercial vehicle identification label and issued by the local government to a person who has a parking approval of the type specified in section 5(b).

## **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—
  - (i)     the use or development of land; or
  - (ii)    parking under chapter 5, part 6 of the TORUM Act; or
- (b)     any provision of the *Local Government Act 2009*.

## **Part 2     Parking approvals**

### **Division 1     What this part is about**

#### **9     Overview**

This part—

- (a)     provides that the local government may issue parking approvals, parking permits and commercial identification labels; and
- (b)     specifies when a vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee; and
- (c)     provides that a vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone; and
- (d)     specifies what the local government may prescribe for a

- parking approval; and
- (e) details the process for obtaining a parking approval.

## **Division 2 Approvals**

### **Subdivision 1 Parking approvals**

#### **10 Local government may issue parking approvals**

- (1) The local government may issue—
  - (a) a parking approval; and
  - (b) either—
    - (i) a parking permit; or
    - (ii) a commercial vehicle identification label.
- (2) The local government may prescribe, by Subordinate Local Law—
  - (a) for a parking approval of the type specified in section 5(a)—
    - (i) persons that may be issued with a parking approval; and
    - (ii) the circumstances in which a parking approval may be issued to a person; and
    - (iii) the types of parking permits that may be issued to a person; and
  - (b) for a parking approval of the type specified in section 5(b)—
    - (i) the types of vehicles for which a parking approval may be issued; and
    - (ii) the circumstances in which a parking approval may be issued to a person; and
    - (iii) the types of commercial vehicle identification labels that may be issued to a person.

#### **11 Parking a vehicle contrary to an official traffic sign**

- (1) A person may park a vehicle contrary to an indication on an official traffic sign regulating parking by time or payment of a fee if —
  - (a) where a physical parking permit has been issued—
    - (i) the vehicle displays a parking permit valid for the place and time at which the vehicle is parked; and
    - (ii) the parking of the vehicle complies with the conditions of the parking approval under which the parking permit has been issued; or
  - (b) where a digital parking permit has been issued—
    - (i) the person has a parking permit valid for the place and time at which the vehicle is parked; and

- (ii) the parking of the vehicle complies with the conditions of the parking approval under which the parking permit has been issued.

(2) In this section—

***physical*** means something that is material or capable of being touched.

*Example—*

*Parking permit designed to be stuck on a windshield of a vehicle.*

## **Subdivision 2 Application process**

### **12 Making an application**

- (1) An application for a parking approval (***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.
- (2) The local government—
  - (a) must accept an application that the local government is satisfied complies with subsection (1); and
  - (b) may accept an application that the local government is satisfied does not comply with subsection (1).
- (3) An application that complies with subsection (1), or that the local government accepts under subsection (2)(b), is a properly made application (***properly made application***).
- (4) The local government may prescribe forms for this Local Law.

## **Subdivision 3 Timeframes for deciding applications**

### **13 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 10 business days of receiving it, or a further period agreed with the applicant.

### **14 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 10 business days of receiving an application, or a further period agreed with the

applicant.

- (3) An applicant must respond to an information request within 10 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 10 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.

## **15 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 10 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 4 Deciding an application**

### **16 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—
  - (a) the local government considers that approving the application would be inconsistent with the object of this Local Law; or
  - (b) the matters prescribed under section 10(2) have not been satisfied.
- (3) For a decision made under subsection (1), the local government must give a decision notice to the applicant.

### **17 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 13(2); or
- (b) section 14(4).

## **18 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 a parking 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.

## **19 Permitted conditions**

Any condition imposed on a parking approval must relate to the object of this Local Law.

## **20 Term of approval**

A parking approval is valid for the term specified in the approval.

# **Subdivision 5 Administering approvals**

## **21 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 parking approval—the proposed suspension period; and
- (e) that the parking approval holder may make written submissions within the stated reasonable time as to why the proposed action should not be taken.

## **22 Renewal and transfer of approval**

Parking approvals are not renewable or transferable.

## **23 Approval holder may apply to amend conditions**

- (1) An approval holder may apply to the local government to amend the conditions of the parking 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 13 and 14 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 object 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 parking approval under this section without following the procedure in section 24.

## **24 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 a parking approval exists—
  - (a) amendment, suspension or cancellation is necessary to ensure compliance with the TORUM Act; or
  - (b) amendment, suspension or cancellation is necessary—
    - (i) for the protection of public safety; or
    - (ii) to allow for works on roads or public land; or
    - (iii) to improve access to a road; or
    - (iv) to improve the efficiency of vehicle or pedestrian traffic; or
  - (c) another approval required for parking of the vehicle under an Act has been suspended or cancelled; or
  - (d) in parking the vehicle, the approval holder has failed to comply with an Act; or
  - (e) the approval holder has failed to comply with a condition of the parking approval; or
  - (f) the approval holder has failed to comply with—

- (i) a direction under section 36; or
    - (ii) a compliance notice; or
  - (g) the parking 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 a parking 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 5 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 parking approval— amend the approval; or
    - (ii) if the proposed action was to suspend the parking approval— suspend the approval for no longer than the period stated in the notice; or
    - (iii) if the proposed action was to cancel the parking 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 a parking approval.

## **25 Procedure for immediate suspension of approval**

- (1) Despite section 24, the local government may immediately suspend a parking approval if the local government believes that the continuation of parking in accordance with a parking approval by the approval holder poses—
  - (a) an urgent and serious threat to public safety; or

- (b) a serious obstruction to urgent works on roads; or
  - (c) a serious obstruction to road access; or
  - (d) a serious or urgent threat to the safety of vehicle or pedestrian traffic.
- (2) The local government must give a notice to the approval holder about the decision to immediately suspend the parking approval (***suspension notice***), together with a show cause notice about the proposed action under section 24.
- (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 24(7) for a decision made under section 24(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 3 Regulation of parking

### Division 1 Declaration of parking areas

#### 26 Declaration of traffic areas

- (1) The local government may, by Subordinate Local Law, declare the whole or a part of the local government area to be a traffic area.
- (2) The Subordinate Local Law must define the boundaries of the traffic area.

#### 27 Declaration of off-street regulated parking areas

- (1) The local government may, by Subordinate Local Law, declare an area of land controlled by the local government, including structures on the land, as an off-street regulated parking area.
- (2) The Subordinate Local Law must define the boundaries of the off-street regulated parking area.
- (3) In this section—

***land controlled by the local government*** means public land, road or land over which the local government may exercise control for the purposes of this section, under an arrangement with a person who owns, or has interest in, the land.

*Example—*

*The local government may, under an arrangement with the owner of a shopping centre, regulate the use of the shopping centre's public parking area that has been specified to be an off-street regulated parking area under a Subordinate Local Law.*

*off-street regulated parking area* has the same meaning as in the TORUM Act.

## **Division 2      Restrictions on parking in certain circumstances**

### **28      Parking on road verges**

- (1) The local government may, by Subordinate Local Law, prescribe requirements for the parking of vehicles on a road verge in a built-up area where parking on a road verge is permitted by an official traffic sign.

- (2) In this section—

*built-up area* has the same meaning as in the Road Rules.

## **Part 4              Offences and enforcement**

### **Division 1          What this part is about**

#### **29      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**

#### **30      Failure to comply with requirements for parking on road verge**

- (1) A driver must comply with the prescribed requirements for the parking of vehicles on a road verge.

Maximum penalty— 50 penalty units

- (2) In this section—

*prescribed requirements* means the requirements prescribed under section 28.

#### **31      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.

#### **32      Threatening an authorised person**

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

Maximum penalty— 50 penalty units.

### **33 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.

### **34 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**

### **35 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.

### **36 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.

### **37 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 34.
- (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 for paragraph (d)—*

  - *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, or loss of amenity 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.

## **Division 4      Offence proceedings in Magistrates Court**

### **38      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.

### **39 Joint and several liability**

- (1) Where this Local Law imposes a liability on a person engaged in a particular activity, and 2 or more persons 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**

### **40 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.

## **Part 5 Minor traffic offence infringement notice penalties**

### **41 Minor traffic offence infringement notice penalties**

- (1) The local government may prescribe, by Subordinate Local Law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.
- (2) However, a Subordinate Local Law under subsection (1) may not prescribe an amount greater than 5 penalty units.

## **Part 6 Reviewing decisions**

### **42 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.

### **43 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.

#### **44 Stay of operation of original decision**

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

## **Part 7 Administrative provisions**

#### **45 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.

#### **46 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.

#### **47 Subordinate Local Laws**

The local government may make Subordinate Local Laws about—

- (a) the declaration of traffic areas under section 26(1); and
- (b) the declaration of off-street regulated parking areas under section 27(1); and
- (c) the persons who may be issued with a parking approval of the type specified in section 5(a) under section 10(2)(a); and

- (d) the circumstances in which a parking approval of the type specified in section 5(a) may be issued to a person under section 10(2)(a); and
- (e) the types of parking permits that may be issued to a person under section 10(2)(a); and
- (f) the types of vehicles for which a parking approval of the type specified in section 5(b) may be issued under section 10(2)(b); and
- (g) the circumstances in which a parking approval of the type specified in section 5(b) may be issued to a person under section 10(2)(b); and
- (h) the types of commercial vehicle identification labels that may be issued to a person under section 10(2)(b); and
- (i) infringement notice penalty amounts that apply for minor traffic offences under section 41(1); and
- (j) requirements for the parking of vehicles on a road verge under section 28; and
- (k) any application requirement for which a third-party certifier's certificate may be accepted by the local government under section 18(1); and
- (l) declaring an individual or organisation as a third-party certifier for particular application requirements under section 18(2)(a); and
- (m) prescribing qualifications necessary for an individual or organisation to provide a certificate about particular application requirements under section 18(2)(b); and
- (n) repeal and transitional provisions under part 8.

#### **48 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 8 Repeal and transitional provisions**

#### **49 Local Law repeal**

The *Moreton Bay Regional Council Local Law No.5 (Parking) 2011* and its Subordinate Local Law are repealed (***repealed Local Law***).

## **50 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 1 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.

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

**amendment application** see section 23(1).

**application** see section 12(1).

**application requirement** see section 18(2).

**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.

**bicycle path** has the same meaning as in the Road Rules, section 239(4).

**built-up area** see section 28(2).

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

**commercial vehicle identification label** see section 7.

**compliance notice** means a compliance notice given under 37.

**decision** means—

- (a) a decision made by the local government under sections 16, 23 or 24; or
- (b) a decision made by an authorised person to give a compliance notice under section 37.

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

**dividing strip** has the same meaning as in the Road Rules.

**driver** has the same meaning as in the Road Rules.

**enforcement order** see section 38(1).

**footpath** has the same meaning as in the TORUM Act.

**indication**, on an official traffic sign, has the same meaning as in the TORUM Act.

**information request** see section 14(5).

**information request response** see section 14(5).

**information request response period** see section 14(3).

**infringement notice penalty** means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

**land**—

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

**land controlled by the local government** see section 27(3).

**loading zone** has the same meaning as in the Road Rules, section 179(3).

**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 and including a State-controlled road.

*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.

**minor traffic offence** has the same meaning as in the TORUM Act, section 108(4).

**MUTCD** has the same meaning as in the TORUM Act.

**nature strip** has the same meaning as in the Road Rules.

**official traffic sign** has the same meaning as in the TORUM Act.

**off-street regulated parking area** see section 27(3).

**original decision** means a decision the subject of a review under section 42.

**parking** means to stop the vehicle and allow the vehicle to stay, whether or not the driver or a person leaves the vehicle.

**parking approval** see section 5.

**parking permit** see section 6.

**prescribed fee** means a fee fixed by the local government under section 45 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 purposes of making an application

or an amendment application under this Local Law.

**prescribed requirements** see section 30(2).

**properly made application** see section 12(3).

**proposed action** see section 24(2).

**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 officers.*
- *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.

**repealed Local Law** see section 49.

**review application** see section 42(1).

**review decision** see section 43(1).

**review notice** see section 43(3).

**road—**

- (a) for the definition of road verge— **road** means an area that is dedicated to public use as a road and includes a State-controlled road; or
- (b) otherwise—
  - (i) subject to paragraph (b)(ii), **road** has the same meaning as in the *Local Government Act 2009* at subsections 59(2) and 59(3); and
  - (ii) despite section 59(3)(a) of the *Local Government Act 2009*, **road** includes a State-controlled road.

**Road Rules** means the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

**road verge** means an area that is a bicycle path, footpath, shared path, dividing strip or nature strip, where that area forms part of the road.

**shared path** has the same meaning as in the Road Rules, section 242(2).

**show cause notice** see section 21.

**State-controlled road** means a road listed in Schedule 2, table 1, columns 1 to 4.

**stated reasonable time** see section 24(3).

**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 25(2).

***third-party certifier*** see section 18(2).

***traffic*** has the same meaning as in the TORUM Act.

***traffic area*** has the same meaning as in the TORUM Act.

***TORUM Act*** means the *Transport Operations (Road Use Management) Act 1995*.

***vehicle*** has the same meaning as in the TORUM Act.

## Schedule 2 State-controlled roads to which this Local Law applies

Schedule 1

| <b>Table 1</b>  |                                 |                       |                                                                    |
|-----------------|---------------------------------|-----------------------|--------------------------------------------------------------------|
| <b>Column 1</b> | <b>Column 2</b>                 | <b>Column 3</b>       | <b>Column 4</b>                                                    |
| <b>Road ID</b>  | <b>Road Name</b>                | <b>Local Name</b>     | <b>Section</b>                                                     |
| 10A             | Bruce Highway                   | Bruce Highway         | Brisbane - Gympie                                                  |
| 40A             | D'Aguilar Highway               | Caboolture Bypass     | Bruce Highway - Old Gympie Road                                    |
| 40A             | D'Aguilar Highway               | D'Aguilar Highway     | Mary Street in Kilcoy                                              |
| 120             | Redcliffe Road                  | Anzac Avenue          | Intersection at Dayboro Road - Intersection with Redcliffe Parade  |
| 121             | Deception Bay Road              | Deception Bay Road    | Bruce Highway - Anzac Avenue                                       |
| 122             | Brighton - Redcliffe Road       | Houghton Highway      | From Hornibrook Highway - Intersection of Elizabeth Avenue         |
| 122             | Brighton - Redcliffe Road       | Hornibrook Esplanade  | Intersection of Elizabeth Avenue - Intersection of Oxley Avenue    |
| 122             | Brighton - Redcliffe Road       | Oxley Avenue          | Intersection of Oxley Avenue - Intersection of Klingner Road       |
| 123             | Clontarf - Anzac Avenue         | Elizabeth Avenue      | Intersection of Hornibrook Esplanade - Intersection of King Street |
| 123             | Clontarf - Anzac Avenue         | Snook Street          | Intersection of King Street - Intersection of Korsch Street        |
| 123             | Clontarf - Anzac Avenue         | Elizabeth Avenue      | Intersection of Korsch Street - Intersection of Anzac Avenue       |
| 126             | Caboolture - Bribie Island Road | Bribie Island Road    | Bruce Highway - Intersection of Welsby Parade                      |
| 127             | Beerburrum Road                 | Beerburrum Road       | Intersection of King Street - Intersection of Steve Irwin Way      |
| 128             | Caboolture - Beachmere Road     | Beachmere Road        | Intersection of Bribie Island Road - Intersection of Bishop Road   |
| 128             | Caboolture - Beachmere Road     | Main Street           | Intersection of Bishop Road - End of Main Street                   |
| 401             | Brisbane - Woodford Road        | Gympie Road           | South Pine River - Intersection of Anzac Avenue                    |
| 401             | Brisbane - Woodford Road        | Dayboro Road          | Intersection of Anzac Avenue - Intersection of Fingerboard Road    |
| 401             | Brisbane - Woodford Road        | Hay Road              | Intersection of Fingerboard Road - Intersection William Street     |
| 401             | Brisbane - Woodford Road        | Mt Mee Road/Brisbane- | Intersection of William Street - D'Aguilar Highway                 |

|      |                                  |                                            |                                                                                          |
|------|----------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------|
|      |                                  | Woodford Road                              |                                                                                          |
| 402  | Samford - Mount Glorious Road    | Mt Glorious Road                           | Intersection of Samford Road - Intersection of Mt Nebo Road                              |
| 403  | South Pine Road                  | South Pine Road                            | Intersection of Gympie Road - Intersection of Flamingo Drive                             |
| 403  | South Pine Road                  | Albany Creek Road                          | Intersection of Flamingo Drive - Albany Creek                                            |
| 406  | Burpengary - Caboolture Road     | Morayfield Road/Burpengary Caboolture Road | Intersection of King Street - Intersection of Uhlmann Road                               |
| 406  | Burpengary - Caboolture Road     | Uhlmann Road                               | Intersection of Uhlmann Road - Bruce Highway                                             |
| 407  | Samford Road                     | Samford Road                               | Intersection of Mt Glorious Road - Kedron Brook                                          |
| 490  | Glass House Mountains Road       | Steve Irwin Way/Glass House Mountains Road | Southern Intersection of Bruce Highway - Intersection of Bell Road                       |
| 490  | Glass House Mountains Road       | Steve Irwin Way                            | Intersection of Bell Road - Northern Intersection of Bruce Highway                       |
| 492  | Kilcoy Beerwah Road              | Kilcoy Beerwah Road                        | Intersection of Maleny Stanley River Road to Intersection D'Aguliar Road                 |
| 493  | Maleny - Stanley Road            | Maleny Stanley River Road                  | Intersection of Myrtle Street and Beech Street, Maleny - Intersection of Peachester Road |
| 900  | Everton Park - Albany Creek Road | Old Northern Road                          | Intersection of Flamingo Drive - Bennetts Road                                           |
| 901  | Burpengary Service Road          | Morayfield Road/Burpengary Caboolture Road | Intersection of Uhlmann Road - Intersection of Station Road                              |
| 901  | Burpengary Service Road          | Old Gympie Road                            | Intersection of Station Road - Intersection of Deception Bay Road                        |
| 902  | Linkfield Connection Road        | Linkfield Connection Road                  | South Pine River - Intersection of South Pine Road                                       |
| 1204 | Pumicestone Road                 | Pumicestone Road                           | Intersection of Bruce Highway Off Ramp - Intersection of Freeman Road                    |
| 1204 | Pumicestone Road                 | Freeman Road                               | Intersection of Bruce Highway Off Ramp - Intersection of Freeman Road                    |
| 4023 | Mount Glorious Road              | Mt Glorious Road                           | Intersection of Mt Nebo Road - Intersection of Laceys Creek Road                         |
| 4023 | Mount Glorious                   | Northbrook Parkway                         | Intersection of Laceys Creek                                                             |

|      |                            |                            |                                                                      |
|------|----------------------------|----------------------------|----------------------------------------------------------------------|
|      | Road                       |                            | Road - Intersection of Wivenhoe Somerset Road                        |
| 4032 | Strathpine - Samford Road  | Eatons Crossing Road       | Intersection of South Pine Road - Intersection of Mt Samson Road     |
| 4032 | Strathpine - Samford Road  | Mt Samson Road             | Intersection of Mt Samson Road - Intersection of Serendipity Drive   |
| 4032 | Strathpine - Samford Road  | Main Street                | Intersection of Serendipity Drive - Intersection of Mt Glorious Road |
| 9905 | Caboolture Connection Road | Caboolture Connection Road | Intersection of Bruce Highway - Intersection of Burnett Road         |
| 9905 | Caboolture Connection Road | Lower King Street          | Intersection of Burnett Road - Intersection of Charles Street        |
| 9905 | Caboolture Connection Road | King Street                | Intersection of Charles Street - Intersection of D'Aguilar Highway   |

# Endnotes

## 1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

## 2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 17 October 2025.

## 3 Key

Key to abbreviations in list of legislation and annotations

| Key   | Explanation   |
|-------|---------------|
| amd   | = amended     |
| ch    | = chapter     |
| def   | = definition  |
| div   | = division    |
| hdg   | = heading     |
| ins   | = inserted    |
| om    | = omitted     |
| p     | = page        |
| pt    | = part        |
| renum | = renumbered  |
| rep   | = repealed    |
| s     | = section     |
| sch   | = schedule    |
| sdiv  | = subdivision |

## 4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this Local Law.

| Reprint No. | Amendments included                                                           | Reprint date |
|-------------|-------------------------------------------------------------------------------|--------------|
| 1           | <i>Amendment Local Law (State-controlled Roads) 2024</i>                      | 2/2/2024     |
| 2           | <i>Amendment Local Law (Effective Control of Dogs and Other Matters) 2025</i> | 17/10/2025   |

## 5 List of legislation

### Amendment Local Laws

Amendment Local Law (State-controlled Roads) 2024 date of public notice 2 February 2024.

Amendment Local Law (Effective Control of Dogs and Other Matters) 2025 date of public notice 17 October 2025.

## 6 List of annotations

### PART 1 PRELIMINARY

### DIVISION 3 INTERPRETATION

### SUBDIVISION 1 DICTIONARY

#### Definitions

s 4 om/ins Amendment Local Law (State-controlled Roads) 2024, s 33.

### SCHEDULE 1 DICTIONARY

hdg/om/ins Amendment Local Law (State-controlled Roads) 2024, s 34(1).  
om/ins def **application** Amendment Local Law (State-controlled Roads) 2024, s 34(2).  
om/ins def **local government area** Amendment Local Law (State-controlled Roads) 2024, s 34(2).  
om/ins def **road** Amendment Local Law (State-controlled Roads) 2024, s 34(2).  
ins def **State-controlled road** Amendment Local Law (State-controlled Roads) 2024, s 34(3).

**SCHEDULE 2 STATE-CONTROLLED ROADS TO WHICH THIS LOCAL LAW APPLIES**

|        |                                                                               |
|--------|-------------------------------------------------------------------------------|
| ins    | Schedule 2 Amendment Local Law (State-controlled Roads) 2024, s 35.           |
| om/ins | Amendment Local Law (Effective Control of Dogs and Other Matters) 2025, s 42. |