

Ipswich

City Council

*Local Law No. 4
(Permits) 2013*

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No.4 (Permits) 2013*.

1A Commencement

This local law commences on 1 August 2013.

2 Object

The objects of this local law are to ensure that—

- (a) a permit regulated activity does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; and
- (b) the operation of a permit regulated activity¹ complies with the Local Government Acts that regulate permit regulated activities by subjecting the regulated activities to an inspection, monitoring and enforcement regime.

3 Definitions—the Dictionary

- (1) The dictionary in the Schedule (Dictionary) of this local law defines particular words used in this local law.
- (2) The dictionary in *Local Law No. 1 (Administration) 2013* also defines words used in this local law

4 Relationship to other laws

- (1) This local law does not apply to—

¹ For definition of permit regulated activity see Schedule

- (a) the operation of a permit regulated activity on a State-controlled road if licensing of the activity is prohibited by Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*; or
- (b) the operation of a permit regulated activity which is—
 - (i) authorised; or
 - (ii) required to be operated in the performance of an express duty or power;

under legislation (including subordinate legislation); or

Example—

If incineration was a permit regulated activity this section would exempt officers of the Queensland Fire and Rescue Service and other authorised persons from being licensed as they have the power to light fires under the Fire and Rescue Service Act 1990.

- (c) a person operating a permit regulated activity where that person is required to be licensed, registered or approved in respect of the operation of that permit regulated activity pursuant to—
 - (i) the *Environmental Protection Act 1994*; or
 - (ii) the *Residential Services (Accreditation) Act 2002*; or
 - (iii) the *Public Health (Infection Control for Personal Appearance Services) Act 2003*; or
 - (iv) the *Child Protection Act 1999*; or
 - (v) the *Disability Services Act 2006*.

Example of paragraph (c)—

This would exempt the operation of a regulated activity that is registered by the State government under the Environmental Protection Act 1994.

- (2) The powers given by this local law must be exercised in a way that is not inconsistent with all Acts (including subordinate legislation) including—
 - (a) the *Environmental Protection Act 1994*; and
 - (b) the *Fire and Rescue Service Act 1990*; and

- (c) the *Land Protection (Pest and Stock Route Management) Act 2002*; and
- (d) the *Transport Operations (Roads Use Management) Act 1995*; and
- (e) the *Land Act 1994*; and
- (f) the *Plumbing and Drainage Act 2002*; and
- (g) the *Building Act 1975*; and
- (h) the *Sustainable Planning Act 2009*; and
- (i) the *Residential Services (Accreditation) Act 2002*; and
- (j) the *Food Act 2006*; and
- (k) the *Work Health and Safety Act 2011*; and
- (l) the *Coroners Act 2003*; and
- (m) the *Transport Infrastructure Act 1994*; and
- (n) the *Food Production (Safety) Act 2000*; and
- (o) the *Retirement Villages Act 1999*; and
- (p) the *Public Health Act 2005*; and
- (q) the *Public Health (Infection Control for Personal Appearance Services) Act 2003*.

5 Relationship with other local laws

- (1) This local law applies to -
 - (a) the application for, grant of and enforcement of permits; and
 - (b) all other incidental matters concerning permit regulated activities; specified in -
 - (i) *Local Law No. 5 (Parking) 2013* and its subordinate laws; and

- (ii) *Local Law No. 6 (Animal Management) 2013* and its subordinate laws; and
 - (iii) *Local Law No. 7 (Local Government Controlled Areas and Roads) 2013* and its subordinate laws; and
 - (iv) *Local Law No. 8 (Nuisances and Community Health and Safety) 2013* and its subordinate laws.
- (2) A reference in this local law to a power to make a subordinate law is to be taken to be a power to make that subordinate local law under any of the local laws referred to section 5 (1)(b (i)-(iv) (Relationship with other local laws)

Part 2 Permits

6 Application for a permit

- (1) An application for a permit must be—
 - (a) made by the person who will be operating the permit regulated activity; and
 - (b) made in the prescribed form; and
 - (c) accompanied by—
 - (i) the name, contact telephone number and postal address of the applicant; and
 - (ii) the prescribed fee; and
 - (iii) evidence that all approvals under the Local Government Acts required for the operation of the permit regulated activity have been obtained; and
 - (iv) full details of the permit regulated activity; and
- (2) If an applicant for a permit is not the owner of the premises on which the permit regulated activity is to be operated, the application must be accompanied by the written consent of the owner. This requirement does not apply if the premises is under local government control.
- (3) The local government is not required to consider an application which is—

- (a) not made in the prescribed form; or
 - (b) not accompanied by the documents, materials or fee required in section 6(1) (Application for permit).
- (4) The local government may, by written notice, request that the applicant provide further information or clarify any information reasonably required for the local government to assess the application.
- (5) If the applicant does not, without reasonable excuse, provide the further information within 10 business days of the request in section 6(4) (Application for permit), then the local government may refuse the application.
- (6) The local government may waive the requirements of section 6 (Application for a permit) of this local law—
 - (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirements; or

Example—
Where a development permit exists for the permit regulated activity.

 - (c) in the circumstances specified in a subordinate local law.

7 Deciding an application for a permit

- (1) The local government must—
 - (a) consider an application for a permit; and
 - (b) subject to section 7(2) (Deciding application for a permit) of this local law, decide whether to grant or refuse the application.
- (2) In deciding an application the local government may have regard to—
 - (a) the likelihood of the activity causing nuisance, inconvenience or annoyance to the occupiers of adjoining premises or the community;
 - (b) the likely effect of the activity on the amenity of the surrounding area;
 - (c) the likely effect of the activity on the local environment or any environmental harm or nuisance caused or contributed to by the activity;
 - (d) the likely effect of the activity on public health, safety and amenity;

- (e) the physical suitability of the land for the proposed use;
 - (f) whether any improvements or structures associated with the activity and proposed to be constructed on land, are structurally sound and consistent with surrounding buildings and the environment;
 - (g) whether any other current approvals required to conduct the activity under another law are held; and
 - (h) whether the applicant complies with the provisions of the Local Government Acts that regulate the operation of the permit regulated activity; and
 - (i) whether the activity complies with the assessment criteria ; and
 - (j) whether the activity complies with the minimum standards.
 - (k) any other matters which the local government considers relevant to deciding the application.
- (3) Before the local government decides an application for a permit, an authorised person may—
- (a) inspect any premises², vehicle, equipment, animal, plant or thing to be involved in the operation of the permit regulated activity; and
 - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.
- (5) For the purposes of determining whether the matters specified in section 7(2) (Deciding application for a permit) of this local law have been satisfied the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the permit regulated activity.

8 Term of a permit

- (1) A permit granted by the local government is for a term—
- (a) specified in the permit; or
 - (b) otherwise specified in a subordinate local law.

² Entry to property for the purpose of assessing an application is subject to section 132 of the *Local Government Act 2009*.

- (2) A permit expires at the end of the day specified in section 8(1) (Term of a permit) of this local law.

9 Conditions of a permit

- (1) A permit may be granted by the local government on conditions the local government considers appropriate.
- (2) The conditions of a permit may—
- (a) require the holder of the permit to take specified measures to—
 - (i) prevent harm to human health or safety or personal injury; and
 - (ii) prevent property damage or a loss of amenity; and
 - (iii) prevent environmental harm or environmental nuisance; and
 - (iv) prevent a nuisance; and
 - (v) ensure that there is compliance with the provisions of the Local Government Acts that regulate the undertaking of the permit regulated activity; and
 - (vi) ensure that the permit regulated activity complies with the minimum standards; and
 - (b) require compliance with specified safety requirements; and
 - (c) require the holder of the permit to carry out specified work; and
 - (d) regulate the time within which the permit regulated activity must be carried out; and
 - (e) specify standards with which the permit regulated activity must comply; and
 - (f) require the holder of the permit to give the local government specified indemnities and to take out specified insurance; and

- (g) require the holder of the permit to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the permit regulated activity; and
 - (h) require the holder of the permit to exhibit specified warning notices and to take other specified precautions; and
 - (i) require the holder of the permit to notify the local government within a period specified in the permit that the holder of the permit is no longer undertaking the permit regulated activity or is undertaking the permit regulated activity other than in accordance with the permit; and
 - (j) require the certification by a person specified by the local government of a vehicle, equipment or thing involved in the permit regulated activity; and
 - (k) require the giving of a security to secure compliance with the permit and the provisions of this local law; and
 - (l) require records to be kept at a place and for a time specified in the permit or a subordinate local law; and
 - (m) require the holder of the permit to prepare, provide, undertake or comply with a periodic inspection, monitoring or management program in respect of the permit regulated activity.
- (3) The local government may specify in a subordinate local law, the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit for a permit regulated activity.

10 Power to change the conditions of a permit

- (1) The local government may change a condition of a permit where³—
- (a) the holder of the permit agrees to the proposed change; or
 - (b) the change is urgently necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or

³ A change to the conditions of a permit includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

- (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (c) the change is necessary to ensure that the undertaking of the permit regulated activity complies with the minimum standards.
- (2) If the local government is satisfied it is necessary to change a condition of a permit under section 10(1)(b) or 10(1)(c), the local government must—
 - (a) give the holder of the permit a written notice stating—
 - (i) the proposed change and the reasons for the change; and
 - (ii) that the holder of the permit may make written representations to the local government about the proposed change; and
 - (iii) the time (at least 15 business days after the notice is given to the holder of the permit) within which the written representations may be made; and
 - (b) consider any written representation made by the holder of the permit within the time stated in the notice.
- (3) After considering any written representation made by the holder of the permit, the local government must give to the holder of the permit—
 - (a) if the local government is not satisfied the change is necessary – a written notice stating that it has decided not to change the condition; or
 - (b) if the local government is satisfied that the change is necessary – a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the notice was given to the holder of the permit.

11 Amendment, renewal or transfer of a permit

- (1) The holder of a permit may make application to the local government to—
 - (a) amend the permit; or

- (b) renew the permit; or
 - (c) transfer the permit to another person.
- (2) An application to amend, renew or transfer a permit must be—
 - (a) made by the holder of the permit; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee and such other information as is requested by the local government; and
 - (d) accompanied by, in the case of a transfer of the permit, the consent of the person to whom the permit will be transferred.
- (3) The local government may renew or transfer a permit—
 - (a) where the undertaking of the permit regulated activity complies with the conditions of the permit and the provisions of this local law; and
 - (b) subject to such conditions the local government considers appropriate.
- (4) The local government may amend a permit subject to such conditions the local government considers appropriate having regard to the matters specified in section 7(2) (Deciding application for a permit) of this local law.
- (5) Subject to section 11(6) (Amendment, renewal or transfer of a permit) of this local law, if an application to renew a permit is made pursuant to section 11(1)(b) (Amendment, renewal or transfer of a permit) of this local law, the permit is taken to continue in force from the day that it would, apart from this section, have expired until the day the application is decided pursuant to section 11(3) (Amendment, renewal or transfer of a permit) of this local law.
- (6) Section 11(5) (Amendment, renewal or transfer of a permit) of this local law does not apply where a permit has been cancelled pursuant to section 12 (Cancellation of a permit) of this local law.

12 Cancellation or suspension of a permit

- (1) The local government may cancel or suspend a permit where—
 - (a) the holder of the permit agrees to the cancellation or suspension; or

- (b) the cancellation or suspension is urgently necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (c) the holder of the permit contravenes—
 - (i) this local law; or
 - (ii) a condition of a permit; or
 - (iii) a requirement of a compliance notice; or
 - (d) the operation of the permit regulated activity does not comply with—
 - (i) the provisions of a Local Government Act that regulate the operation of the permit regulated activity; or
 - (ii) the minimum standards; or
 - (e) the permit was granted on the basis of false, misleading or incomplete information; or
 - (f) changes in circumstances, as specified by a subordinate local law, since the permit was granted make the continued operation of the permit inappropriate.
- (2) If the local government is satisfied it is necessary to cancel or suspend a permit, other than with the agreement of the holder of the permit under section 12(1)(a), the local government must—
- (a) give the holder of the permit a written notice (a show cause notice) stating—
 - (i) the reasons for the proposed cancellation or suspension; and
 - (ii) that the holder of the permit may make written representations to the local government about the proposed cancellation or suspension; and

- (iii) the time (at least 15 business days after the notice is given to the holder of the permit) within which written representations may be made; and
 - (b) consider any written representations made by the holder of the permit within the time stated in the notice.
- (3) After considering any written representation made by the holder of the permit the local government must give to the holder of the permit—
 - (a) if the local government is not satisfied that the cancellation or suspension is necessary – a written notice stating it has decided not to cancel the permit; or
 - (b) if the local government is satisfied that the cancellation or suspension is necessary – a written notice stating it has decided to cancel the permit.
- (4) Before the local government cancels or suspends a permit under section 12(3) (Cancellation or suspension of a permit) of this local law, the local government must consider the impact of the cancellation or suspension of the permit on those persons who would be effected by the permit regulated activity ceasing to be operated.
- (5) The cancellation or suspension of the permit takes effect from the day the written notice was given to the holder of the permit.
- (6) Where the local government has cancelled or suspended a permit, the holder of the permit must cease to operate the permit regulated activity.

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

13 General compliance provision

- (1) The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty for subsection (1) –

- (a) for first offence– 20 penalty units.
- (b) for second offence in a 2 year period – 30 penalty units.
- (c) for third or further offences in a 2 year period – 50 penalty units.

- (2) The holder of a permit and any person undertaking a permit regulated activity must ensure that the undertaking of the permit regulated activity—
- (a) does not result in harm to human health or safety or personal injury; and
 - (b) does not result in property damage or a loss of amenity; and
 - (c) does not result in environmental harm or environmental nuisance; and
 - (d) does not result in a nuisance; and
 - (e) complies with the minimum standards.

Maximum penalty for subsection (2)—

- (f) for first offence in— 20 penalty units.
- (g) for second offence in a 2 year period – 30 penalty units.
- (h) for third or further offences in a 2 year period – 50 penalty units.

Part 3 Enforcement

14 Compliance notice

- (1) The local government may give a compliance notice to—
- (a) a person who contravenes any local law; and
 - (b) any person involved in the contravention of any local law pursuant to section 20 (Liability of third parties) of this local law or pursuant to a provision in another local law .
- (2) A compliance notice may require the person to whom it is given to—
- (a) stop the contravention, if the contravention is of a continuing or recurrent nature;
 - (b) perform work or otherwise take specified action to remedy the contravention (including the making of an application for a permit) for or within a time specified in the compliance notice, whether or not the contravention is of a continuing or recurrent nature; or

- (c) perform work or otherwise take specified action for or within a time specified in the compliance notice to ensure compliance with the criteria specified in section 13(2) (General compliance provision) of this local law.
- (3) A person to whom the compliance notice is given must comply with the compliance notice.

Maximum penalty for subsection (3) – 50 penalty units.

15 Procedure for immediate suspension of permit

- (1) Despite section 12 (Cancellation or suspension of permit), the local government may immediately suspend a permit if the local government believes that continuation of the permit activity by the permit holder poses—
 - (a) an urgent and serious threat to public health or safety;
 - (b) or an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the permit holder about the decision to immediately suspend the permit, together with a show cause notice about proposed action under section 12 (2) (Cancellation or suspension of permit); and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the permit holder notice under section 12(3) (Cancellation or suspension of permit) of its decision about the show cause notice;
 - (iii) 10 business days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;

- (iv) 10 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.

16 Inspection of activities

- (1) An authorised person may inspect the undertaking of the permit regulated activity or any activity for which minimum standards have been prescribed under a local law of this subordinate local law and any vehicle, equipment, animal, plant or thing involved in the undertaking of the permit regulated activity or activity to establish whether there is compliance with⁴—
 - (a) the requirements of this local law; and
 - (b) the minimum standards; and
 - (c) the conditions of the permit; and
 - (d) the requirements of a compliance notice; and
- (2) An authorised person may direct the person undertaking the permit regulated activity or activity to produce for inspection⁵—
 - (a) the permit granted by the local government; and
 - (b) any records that are required to be kept as a condition of the permit or as specified in a subordinate local law and may take copies of or extracts from those records; and
 - (c) any vehicle, equipment, plant or thing involved in the undertaking of the permit regulated activity or activity; and
 - (d) any inspection, monitoring or management programs required to be kept as a condition of the permit or as a requirement of the minimum standards or as specified in a subordinate local law.
- (3) An authorised person may measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected pursuant to section 16 (Inspection of activities) of this local law⁶.

⁴ See the powers contained in Chapter 5, Part 2, Division 1 of the Act.

⁵ See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

⁶ See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

- (4) The person who is undertaking the permit regulated activity must comply with—
- (a) a direction of an authorised person pursuant to section 16(2) (Inspection of a permit regulated activity) of this local law; and
 - (b) the terms of a periodic inspection, monitoring or management program in respect of the undertaking of the prescribed activity specified in a subordinate local law.

Maximum penalty for subsection (4) – 50 penalty units.

17 Performance of work

- (1) A person committing an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence.
- (2) The local government may perform the work where a person has failed to perform the work required to be performed by⁷a compliance notice issued under this local law.
- (3) The local government must dispose of any material of any nature removed by it pursuant to section 17 (Performance of work) of this local law in accordance with section 40 (Confiscated goods), *Local Law No.1 (Administration) 2013*.
- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 17 (Performance of work) of this local law.
- (6) The Court may order a person found guilty of an offence under this local law to—
 - (a) perform work required to be performed by—
 - (i) section 17(1) (Performance of work) of this local law; or
 - (ii) a compliance notice issued under this local law; or
 - (iii) a condition of a permit; or
 - (iv) a provision of this local law; or

⁷ The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

- (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 17 (Performance of work) of this local law.

18 Power of entry and cost recovery

- (1) If the work to be carried out by the local government under section 17 (Performance of work) is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work⁸—
 - (a) if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) if the entry is necessary for the exercise of the local government's jurisdiction.
- (2) If the person who failed to perform the work is the owner of the land, the amount properly and reasonably incurred by the local government to perform the work is recoverable (together with any interest) under Chapter 5, Part 2, Division 2 of the Act.
- (3) If the person who failed to perform the work is not the owner of the land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of the land under Chapter 5, Part 2, Division 2 of the Act.

Part 4 Administrative provisions

19 Executive officers must ensure the corporation complies with the local law

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

⁸ See the powers contained in Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

Maximum penalty for subsection (2) – the penalty for the contravention of the relevant provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law or that the corporation has paid a penalty infringement notice issued in relation to a breach of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.
- (4) However, it is a defence for an executive officer to prove—
 - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence – the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
 - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

20 Liability of third parties

- (1) Any person involved in a contravention of this local law commits an offence.

Maximum penalty for subsection (1) – the penalty for which any person who committed the contravention would be liable.
- (2) For the purposes of section 20(1) (Liability of third parties) of this local law, 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 threats or promises 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 others to effect the contravention; or

- (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

21 Attempts to commit offences

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

Maximum penalty for subsection (1) – 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.

Part 5 Subordinate local laws

22 Subordinate local laws

The local government may make a subordinate local law with respect to -

- (a) the changes in circumstances since a permit was granted that make the continued operation of the permit inappropriate pursuant to section 12(1)(f) (Cancellation or suspension of a permit) of this local law; and

Part 6 Transition, Savings and Repeals

23 Existing Permits

Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a permit regulated activity is taken to be a holder of a permit under this local law to operated that activity.

Schedule Dictionary

section 3

approval has the meaning given in *Local Law No. 1 (Administration) 2013*.

assessment criteria means the criteria, if any, specified in a subordinate local law for deciding an application for a permit for the undertaking of a permit regulated activity.

authorised person means a person authorised by the local government pursuant to *Local Law No. 1 (Administration) 2013*.

compliance notice means the written notice given pursuant to section 14 (Compliance notice) of this local law.

corporation means a corporation as defined in the *Corporations Act 2001 (Cth)* and includes an association as defined in the *Associations Incorporation Act 1981*.

court means the court of law which has jurisdiction to deal with offences under this local law.

environmental harm has the meaning given in the Environmental Protection Act 1994.

environmental nuisance has the meaning given in the Environmental Protection Act 1994.

executive officer of a corporation means a person who is concerned with, or takes part in, the corporation's management whether or not the person is a director or the person's position is given the name of executive officer.

local government means Ipswich City Council.

Local Government Act has the meaning given to the term Local Government Act in the Act and includes approvals granted pursuant to a Local Government Act.

local government area has the meaning given in the Act.

local law has the meaning in the Act, section 26, and includes a subordinate local law.

nuisance has the meaning given in *Local Law No. 8 (Nuisances and Community Health and Safety) 2013*.

minimum standards means the standards specified in a local law with which the operation of a permit regulated activity or other prescribed activity must comply.

occupier of premises means the person who has the control or management of the premises.

operating a permit regulated activity includes carrying out, providing, performing, undertaking or otherwise engaging in any activity in respect of the permit regulated activity.

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

perform work includes take action to comply with a Local Government Act and includes work required to be performed pursuant to a compliance notice or a condition of a permit.

permit means a permit which has been granted pursuant to section 7 (Grant of a permit) of this local law which—

- (a) has not expired pursuant to section 8(2) (Term of a permit) of this local law; or
- (b) has not been cancelled pursuant to section 12 (Cancellation of a permit) of this local law.

permit regulated activity means—

- (a) an activity which is prescribed as a permit regulated activity in a local law; or
- (b) an activity which would ordinarily be prohibited by a local law unless authorized by a permit, but for which a local law or subordinate local law prescribes that a permit is not required.

premises means any road, land, building or structure and includes any part thereof.

prescribed fee means a fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

road means —

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b) where that act requires such agreement.

Endnotes

1 Index to Endnotes

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2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
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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 – no amendments

5 List of Legislation

Original Local Law

Local Law No. 4 (Permits) 2013

date of gazettal 5 July 2013

6 List of annotation