

Nuisances and Community Health and Safety - Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019 and Subordinate Local Law (Amending) Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019

Local Law No. 8 (Nuisances and Community Health and Safety) 2013 and Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

This document relates to Council's current *Local Law No. 8 (Nuisances and Community Health and Safety) 2013* and *Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013* whose objective is to protect the community and its environment and amenity by eliminating or reducing nuisances and risks to the community's health and safety.

Have your say

Council has reviewed the existing laws and is seeking your feedback on the proposed amendments.

The consultation period will be from 6.00 am on Wednesday 17 July to 6.00 am on Wednesday 7 August.

To have your say a written submission must be received supporting or objecting to the proposed local laws on or before the last day of the consultation period stating:

- your personal details
- The grounds for your submission (if you support/object to the proposed amendments)
- The facts and circumstances relied on in support of the grounds (the reasons why you support/object the proposed amendments)

The submission can be made by visiting ipswich.qld.gov.au/locallawreview and

- electronically using the 'Have Your Say' link which will be available from 6.00 am on Wednesday 17 July to 6.00 am on Wednesday 7 August
- or completing the form provided and
 - delivering to council's Administration Building at 45 Roderick Street, Ipswich during office hours
 - send to council at PO Box 191, Ipswich QLD 4305

All submissions must be formally received at Council no later than 6.00 am on Wednesday 7 August.

To review a copy of *Local Law No. 8 (Nuisances and Community Health and Safety) 2013* and *Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013* and the amending laws please visit ipswich.qld.gov.au/locallawreview or collect a copy from council's Administration Building at 45 Roderick Street, Ipswich during office hours.

Note: you will need to read the amending laws in conjunction with the existing laws.

Local law review

The local law review has resulted in the preparation of *Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019* and *Subordinate Local Law (Amending) Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019*. It is noted that there have been no anti-competitive provisions identified in the amended law.

Key amendments to both the local law and subordinate local law are included below.

Related Section	What is changing?	Why is it changing?	Enforcement expectations
New clause in section 7 – commission of nuisance (See page 9 of Amended Local Law)	A person places, throws or otherwise discharges a stone, bottle or other object onto or over a road or other premises;	Council doesn't currently have any powers to regulate this type of behaviour and has been seen as an omission in our laws. The purpose is to protect public safety. Council currently receives complaints of this nature.	On complaint or if witnessed by an authorised officer
New clause in section 7 – commission of nuisance	A person paints, repairs, alters or maintains a vehicle on a road, except for minor maintenance in the event of an emergency.	Council doesn't currently have any powers to regulate this type of offence on a public road and has been seen as omission in our laws. The purpose is to protect public health and safety and to reduce environment nuisance. Council currently receives complaints of this nature.	On complaint or if witnessed by an authorised officer
New clause in section 9 – Placement of waste containers outside property boundaries	Not place any waste containers in a matter that is likely, in the opinion of an authorised person's opinion, to cause: <ul style="list-style-type: none"> ▪ Harm to human health or safety, or personal injury; ▪ Property damage or loss of amenity; or ▪ A traffic nuisance 	Provisions apply in other local government areas. Included for consistency and issues that have arisen where waste container placement has been a nuisance and safety concern.	On complaint or if witnessed by an authorised officer
New Section 11 A (Leaving or taking trolleys outside retail premises) in Part 5 (Shopping Trolleys)	A person must not take a shopping trolley from retail premises or leave a shopping trolley at a place outside the retail premises unless: <ul style="list-style-type: none"> ▪ The person takes or leaves the trolley with the consent of the owner of that trolley; or ▪ The person has a reasonable excuse 	Current provisions in the local law focus on the retailer and requirements they must comply with. This addition allows for an offence on the person taking a trolley from the premises. Abandoned shopping trolleys can be a safety concern, nuisance and end up in the city's waterways creating environmental nuisance.	On complaint or if witnessed by an authorised officer
New Section 16A (No Smoking Signs) in Part 6 – Smoke free areas	<ol style="list-style-type: none"> 1) The local government may place and maintain no smoking signs at the main entrance to smoke free places. 2) It is not material to the commission of an offence under sections 17 or 18 that a person was not aware of the sign in subsection (1) or whether the sign had been removed or defaced. 	Provides for a consistent documented approach for the no smoking symbol. See subordinate for more details. The symbol may appear on signs, thermally adhered to footpaths and other locations to make it clear that a person is entering a smoke free area.	N/A - Relates to signage design. Audits will be undertaken periodically.

Related Section	What is changing?	Why is it changing?	Enforcement expectations
Insertion of new Part 6A – Graffiti	<p>18A Graffiti</p> <p>(1) This section shall not apply to –</p> <p>(a) public art commissioned on a commercial basis by or with the consent of the owner of the premises; or</p> <p>(b) public art on a wall or structure in a public place designated for its legal application.</p> <p>(2) If any building or other structure is marked with graffiti an authorised person may give a written notice (“graffiti removal notice”) to the owner or occupier of the land on which the building or structure is erected requiring the owner or occupier to remove the graffiti within 14 days of the notice being given.</p> <p>(3) If the graffiti is marked on a construction site hoarding erected beyond the boundary of the property on which the construction site is located, the graffiti removal notice may be given to the owner or occupier of the land on which the construction site is located.</p> <p>(4) If the graffiti is marked on a billboard or billboard structure, the graffiti removal notice may be given to the owner of the billboard requiring the billboard owner to remove the graffiti within 14 days of the notice being given.</p> <p>(5) A graffiti removal notice may be given by post or by personal service.</p> <p>(6) The recipient of a graffiti removal notice must comply with the notice unless the person has a reasonable excuse.</p> <p>Maximum penalty - 50 penalty units.</p>	<p>Council currently doesn’t have any powers to assist with graffiti removal and clean-up. The provisions provided are the same as other local government areas eg Brisbane.</p> <p>Rapid removal is the most effective way to prevent graffiti reappearing because it reduces the recognition that graffitiists crave. It also shows that the affected area is being monitored and looked after.</p>	<p>A process will be developed where Council will work with the owner/occupier in the first instance to provide suggestions, techniques and methods on how to remove the graffiti and prevent re-occurrence. This notification and advice process will occur before any formal graffiti removal notices are issued. Initially this may be an ‘on complaint’ process but Council may consider a transition over time to proactive patrols and more education dependant on community need, resourcing and budgeting.</p>